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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 428/2021**

PANKAJ GUPTA DECEASED THR. LRS. Plaintiffs

Through: **Mr. Sushant Kumar, Advocate.**

versus

SMT. SUNITA DEVI & ORS. Defendants

Through: **Mr. Bharat Gupta, Advocate for D-3
& 4.
Mr. Abhishek Bhardwaj and
Mr. Manish Kumar Singh, Advocates
for D-1, 2, 5 & 6.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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04.05.2022

I.A. 6487/2022 (on behalf of Defendants No. 3 and 4 u/ Section 151 of the Code of Civil Procedure, 1908 [hereinafter "CPC"] seeking clarification of the Order dated 10th September, 2021)

1. By way of this application, the Applicants/ Defendants No. 3 and 4 seek clarification of the Order dated 10th September, 2021 whereby the Court directed the parties to maintain status *quo* with respect to title and possession of certain properties as well as assets such as savings accounts (mentioned in paragraph No. 8 of the said Order). The Applicants seek clarification to permit them to carry out repairs and construction on the property *bearing* No. 47/35, Punjabi Bagh West, New Delhi-110026 [hereinafter "**suit property in question**"].



2. The application is accompanied with photographs to demonstrate that the compound wall of the suit property in question required repairs as the plaster and bricks are falling apart. It is averred that when the Applicants started carrying out repair work, the Non-Applicants/ Plaintiffs sought intervention of the local police officials to restrain the Applicants on the basis of the Order dated 10th September, 2021, which in fact does not prohibit repairs/ construction.
3. The Court has perused the afore-said Order and heard the counsel for the parties. The afore-said Order only directs the parties to maintain status *quo* in relation to the title and possession of the suit property in question. It is therefore, clarified that the Applicants shall be permitted to carry out repair work/ construction of the compound wall of the suit property in question.
4. Cost of the repair work/ construction on the suit property in question shall be borne by Applicants and no special equities shall be claimed for the same.
5. Accordingly, the application stands disposed of.

I.A. 6861/2022 (on behalf of the Plaintiffs u/ Order XXXIX Rule 2A r/w Section 151 of CPC and Section 12 of the Contempt of Courts Act, 1971 seeking direction against the Contemnors for violation/ disobedience of the Order dated 10th September, 2021)

6. Issue notice. Mr. Abhishek Bhardwaj, Advocate accepts notice on behalf of Defendants No. 1, 2, 5 & 6 and Mr. Bharat Gupta, Advocate accepts notice on behalf of Defendants No. 3 & 4.
7. Let the reply be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed before the next date of hearing.
8. Counsel for the Applicants/ Plaintiffs alleges that a tea stall is operating



on the suit property in question. Counsel for Defendants No. 2 & 3 refutes the contention and states that only a guard is stationed at the site in order to ensure the safety of the suit property in question.

9. Considering the foregoing, the concerned SHO of the area is directed to ensure that no illegal occupants encroach the property/ carry on business or work for gain on any portion of the suit property in question.

10. The Registry shall intimate the order passed by the concerned SHO forthwith. Counsel for the Applicants/ Plaintiffs shall follow up with the Registry and provide the necessary details for effecting service.

11. Re-notify on 17th August, 2022.

SANJEEV NARULA, J

MAY 4, 2022

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