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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 428/2021 & I.As. 11606/2021 & 6861/2022**
PANKAJ GUPTA DECEASED THR. LRS. Plaintiff

Through: Mr. Sushant Kumar, Advocate.

versus

1. **SMT. SUNITA DEVI & ORS. Defendant**

Through: Mr. Abhishek Bhardwaj, Advocate
for D-1, 2, 5 & 6.
Mr. Bharat Gupta, Advocate for D-3
& 4.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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17.08.2022

I.A. 6861/2022

1. Application under Order XXXIX Rule 2A read with Section 151 CPC and Section 12 of the Contempt of Court Act issuing directions against defendant nos. 3 and 4 for violation/disobedience of the Order dated 10.09.2021 whereby status quo was granted with regard to the title and possession of the suit property bearing no. 47/35 Punjabi Bagh west, New Delhi.
2. It is submitted in the application that despite of the orders of this Court dated 10.09.2021, defendant nos. 3 and 4 had started raising illegal constructions over suit property bearing no. 47/35 Punjabi Bagh, New Delhi and has also affixed their name plate with their names on it even though they never had possession of the suit property but the possession was always with



the plaintiff.

3. Furthermore, it is claimed that defendant nos. 3 and 4 are raising illegal constructions and trying to alter the nature of the suit property. It is further asserted that on 21.02.2020, prior to filing of the present suit, defendants with an illegal intention to interfere in the peaceful possession of the plaintiff in the property, committed theft in the premises because of which the plaintiff was compelled to get an iron gate installed and had to change the locks as well. The plaintiff had approached the police but they refused to take any action.

4. Learned counsel for the defendant nos. 3 and 4 has clarified that only a boundary wall has been raised with the permission of the Court. Only a main door has been installed and the lock has been installed on the same. It is further submitted that the access to the property in possession of the plaintiff has never been denied by the defendants. However, they are willing to handover a set of keys to the lock of the main gate to the plaintiff within 48 hours so as to ensure that his access to the portion in which there his possession is not obstructed.

5. It is also pointed out that defendant nos. 3 and 4 have erected a tea kiosk illegally. However, in Order dated 4th May, 2022, SHO of the area was directed to ensure that there is no illegal occupants who encroach on the property in question for business or work for gain.

6. Learned counsel for the defendant nos. 3 and 4 has clarified that the guard who had been posted at the property have installed the kiosk but the same has since then been removed.

7. The report be called from the SHO of the concerned area in regard to the status of the property vis-à-vis illegal encroachment in any portion of the



suit property.

8. Keys of the property shall be handed over within 48 hours to the learned counsel for the plaintiff.

9. Nothing further survives in the contempt application which is accordingly disposed of.

I.A. 12779/2022

1. Application under Order VI Rule 17 read with Section 151 CPC has been filed on behalf of the plaintiff for amendment of the plaint.

2. The learned counsel for the plaintiff undertakes to supply the copy of the application to the learned counsel for the defendant today itself.

3. Reply be filed within 3 weeks with a copy to the opposite counsel.

CS(OS) 428/2021

1. List before the Joint Registrar on 31st October, 2022 for completion of the pleadings and for the admission denial of the documents.

2. Interim orders to continue.

NEENA BANSAL KRISHNA, J

AUGUST 17, 2022/PA