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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 531/2022**
RITA KALRA

..... Plaintiff

Through: Mr.Jayant Tripathi, Ms.Nayantara
Roy, Mr.Sarfaraz Ahmad &
Mr.Dinesh Dahiya, Advs.

versus

HARVINDER SINGH KALRA & ORS.

..... Defendants

Through: Mr.Akshay Makhija, Sr. Adv. with
Mr.B.P. Shukla & Ms.Seerat Deep
Singh, Advs. for D-1, D-3 & D-4.
Mr.Rajul Jain & Mr.Hardik Nagpal,
Advs. for D-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
21.12.2022

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I.A. 21488/2022

1. Issue notice.
2. Notice is accepted by Mr.B.P. Shukla, learned counsel on behalf of the defendant nos.1, 3 and 4, and Mr.Jayant Tripathi, learned counsel, on behalf of the plaintiff.
3. Pursuant to the order dated 16.12.2022, the learned Local Commissioner has filed her report on 20.12.2022. The learned senior counsel for the defendant nos.1, 3 and 4 submits that in view of the report of the learned Local Commissioner, while the said defendants have no objection on the plaintiff or any other person coming to visit the defendant



no.2 at the suit premises, however, instead of such persons coming into the main house to visit the defendant no.2, a door can be constructed to the room of the defendant no.2 from the open passage so that such person can directly access the room of defendant no.2 without entering the house. He submits that this proposal is being given primarily because the said defendants have apprehensions against the son of the plaintiff creating nuisance on his visit to the house.

4. I do not find any merit in the objections/proposal of the learned senior counsel for the defendant nos.1, 3 and 4. The defendant no.2 is residing in the suit premises and has clearly expressed a desire to meet his relatives/friends, including the plaintiff. In fact, he has expressed a desire that the plaintiff should represent him in Court and arrange for his representation in the present suit. His enjoyment of the premises cannot be curtailed in the manner suggested by the learned senior counsel for the defendant nos.1, 3 and 4 till the suit is adjudicated on merit and the *inter se* claims between the parties are settled.

5. It is, therefore, directed that the defendant nos.1, 3 and 4 shall not in any manner hinder the access of the plaintiff or of other family members/friends, who wish to meet the defendant no.2 or whom the defendant no.2 wishes to meet, during the pendency of the suit. However, during such visit, the plaintiff/family members/friends of defendant no.2 shall maintain decorum and shall not attempt to, in any manner, create possession over any part of the premises. It is further made clear that in this permission of access, the plaintiff/relatives/friends of defendant no.2 may also spend a night with him, however, no attempt to enter into a settled possession of the suit premises be made by any of them.



6. As far as the remaining prayers are concerned, the same shall be considered on the defendants filing their reply.
7. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of three weeks thereafter.
8. List on 17th February, 2023 before the learned Joint Registrar (Judicial).

NAVIN CHAWLA, J

DECEMBER 21, 2022/rv/kp