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

+ CS(OS) 727/2022, I.A. 19502/2022, I.A. 19503/2022, I.A. 19504/2022 & I.A. 16492/2023

ATUL SHARMA

.....Plaintiff

Through: Mr. Sufian Siddiqui, Mr. Rakesh Bhgra, Md. Niyazuddin and Ms. Alya Veronica, Advocates.

versus

SEEMA SHARMA & ORS.

.....Defendants

Through: Mr. Vikas Tomar, Advocate
(through vc)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **09.09.2024**

I.A. 16492/2023 (under Order XXXIX Rule 2A of CPC, 1908)

1. This is an application filed by the defendant under Order XXXIX Rule 2A read with Section 151 of Code of Civil Procedure, 1908 stating that the non-applicant/plaintiff has carried out renovation works on the ground floor [which is under plaintiff's occupation] of the suit property in violation of the interim order dated 23.11.2022, whereby the parties to the suit were directed to maintain status quo with respect to title and possession of the suit property.

2. Learned counsel for the applicant/defendant states that the said violation is evidenced from the reply filed by the non-applicant/plaintiff. In this regard, he refers to the photographs filed by the plaintiff along with his reply as Document-A at page nos. 10 and 11. He states that the area seen at



page nos. 10 and 11 is a shaft and there was no grill existing in the shaft as on 23.11.2022. He states that the non-applicant/plaintiff during the pendency of the proceedings has installed a new grill which is evident from the photograph enclosed at page no. 11 of the reply. He states that the installation of this grill is in violation of the order dated 23.11.2022.

3. In response, learned counsel for the plaintiff states that the necessity for installing the grill arose since the plaintiff and his wife are senior citizens and the grill has been installed to enhance the security of the property. He fairly admits that no prior permission of the Municipal Corporation of Delhi ('MCD') has been sought for installing this grill in the shaft. He however, undertakes that no further renovation work will be undertaken at the suit premises without seeking prior permission of this Court. He states that all renovation works have now been completed and the renovation carried out in the property is duly reflected in the photographs filed with his reply to the captioned application.

4. In view of the non-applicant/plaintiff's undertaking recorded hereinabove, learned counsel for the defendant states that he does not seek to press the captioned application.

5. Accordingly, the application is disposed of taking the undertaking of the non-applicant/plaintiff on record and binding them down to the same.

I.A. 19504/2022 (under Order XI Rule 14 of CPC, 1908)

6. This is an application filed by the plaintiff under Order XI Rule 14 of CPC for seeking a direction to the defendant to produce documents.

7. Learned counsel for the plaintiff states that in view of the reply filed by the defendant to this application and the documents filed by the defendant along with their written statement, the plaintiff does not seek any



further directions in this application.

8. In view of the submission of the plaintiff, the application is disposed of.

I.A. 19503/2022 (under Order VII Rule 14 of CPC)

9. This is an application filed by the plaintiff under Order VII Rule 14 of CPC. Learned counsel for the plaintiff states that this application was filed along with suit and does not survive for consideration.

10. Accordingly, the application is disposed of as infructuous.

I.A. 19502/2022 (under Order XXXIX Rules 1 and 2 of CPC)

11. This is an application filed by the plaintiff under Order XXXIX Rules 1 and 2 of CPC.

12. An interim order dated 23.11.2022 was passed in this application directing the parties to maintain status quo with respect to the title and possession of the suit property. In addition, this Court has today recorded an undertaking of the plaintiff in I.A. 16492/2023 that the plaintiff will not undertake any further renovation works in the suit property without seeking prior permission of this Court.

13. Learned counsel(s) for the parties state that the ad-interim order dated 23.11.2022 can be made final until the final disposal of the suit and the captioned application may be disposed of.

14. The parties are bound down to the aforesaid statement. The order dated 23.11.2022 read with undertaking of the plaintiff recorded today in I.A. 16492/2023 is hereby confirmed until the final disposal of the suit.

15. With the aforesaid directions, the application stands disposed of.

CS(OS) 727/2022

16. The plaintiff is directed to file Joint Documents Schedule within four



(4) weeks.

17. List before the learned Joint Registrar (J) for recording of admission/denial of documents and making of exhibits on **07.11.2024**.

18. List before Court for framing of issues on **13.01.2025**.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 9, 2024/mk/MG