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

+ **CS(OS) 718/2023**

MADHU JAITLEY

.....Plaintiff

Through: **Mr. S.K. Nanda, Advocate**
versus

RAJAN JAITLEY & ANR.

.....Defendants

Through: **Mr. Varun Goswami, Mr. Hritik Chaudhary and Mr. Vansmani Tripathi, Advocates**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **16.07.2024**

I.A. 6196/2024 (under Section 151 CPC, 1908 on behalf of defendant no. 1 seeking urgent interim directions and reliefs)

1. This is an application filed by defendant no. 1 seeking permission to lease out the vacant second floor in property no. 1 being MU-60, Pitampura, Delhi-110034 ('subject property').

2. Learned counsel for the applicant-defendant no. 1 states that the super structure standing on the subject property consists of stilts, upper ground floor, first floor, second floor and third floor. He states that there is no basement in this super structure.

2.1 He states that plaintiff resides on the upper ground floor and the defendant nos. 1 and 2 herein reside separately from the plaintiff on the first floor.

2.2 He states that the third floor has been let out by the plaintiff and she is exclusively recovering a monthly rent from the said tenant to the extent of



Rs. 25,000 per month.

2.3 He states that defendant no. 1 is a 74-year-old man and is suffering from multiple diseases and he as well requires independent income for his monthly sustenance.

2.4 He states that therefore, defendant no. 1 seeks leave of this Court to lease out the vacant second floor for residential purposes to a tenant. He states that the applicant/defendant no. 1 undertakes to place the lease deed before the Court after the same is executed. He states that earlier as well second floor used to be let out to tenants. He states that defendant no. 1 is admittedly co-owner in the subject property and is therefore, entitled to let out the same.

3. In reply, learned counsel for the plaintiff states that the plaintiff is seeking directions against the defendants to render accounts with respect to a separate property bearing no. H-316, Upper Ground Floor, New Rajinder Nagar, Delhi-110060 ('property no. 2') which has also been let out by defendant no. 2.

4. In response, learned counsel for defendant no. 2 states that the said property no. 2 has been admittedly mortgaged with a Non-Banking Financial Company (NBFC) and there is a monthly Equal Monthly Installment (EMI) of Rs. 1,59,000/- payable to the said NBFC. He states that the rental fetched by the property no. 2 is Rs. 40,000/- and that amount is being used to repay the EMI. He, therefore, states that no portion of the rent is being received in the hands of defendant nos. 1 or 2.

5. This Court has considered the submissions of the parties and in the opinion of this Court, no purpose is served by keeping the second floor vacant considering that the said floor has also been put to rent in the past by



the parties herein. The co-ownership of defendant no. 1 is admitted and the said defendant has made out good cause for the prayers sought. The plaintiff has not urged any reasonable grounds for opposing the prayers in this application, considering the fact that plaintiff herself has leased out the third floor, there is no ground for opposing the prayers in this application.

6. Accordingly, in the facts of this case, defendant no. 1 is granted permission to lease out the second floor for residential purposes only by executing registered lease deed not exceeding 24 months in the first instance. The rental reserved under the lease deed will be received by the defendant no. 1 only through bank transfers. The registered lease deed be placed on record within two (2) weeks after its execution with an advance copy to the plaintiff.

7. In case of renewal, the renewal will be by way of a registered lease deed and for not more than 24 months and the renewed lease deed will also be placed on record.

8. With the aforesaid directions, I.A. 6196/2024 stands allowed.

I.A. 6194/2024 (under Section 151 CPC, 1908 on behalf defendants seeking urgent directions and reliefs)

9. This is an application filed by defendants seeking leave to install CCTV cameras at their own costs in the common areas limited to the stilt area, main entrance gate and the common staircase ('common areas') at their own costs.

10. In reply, learned counsel for the plaintiff states that the plaintiff as well must be granted full access to the coverage since she resides in the property. He states that the plaintiff is making this concession without admitting to any of the allegations in this application. He states that the



plaintiff should be informed about the locations on which the cameras are proposed to be installed.

11. Learned counsel for the Applicant-defendants states that he has no objection to the said proposal.

12. This Court has considered the submissions of the parties. The defendants are allowed to install the CCTV cameras in the common areas without prejudice to the rights and contentions of the plaintiff. In the present times, installation of CCTV cameras in common areas of a building comprising four floors, as is the case herein, is a common phenomenon keeping in view security concerns.

13. Accordingly, the application is allowed with the following directions:

- i. The defendants will place on record the sketch plan indicating/markings the exact location on which the CCTV cameras are proposed to be installed in the common areas and share the same with the counsel for the plaintiff through e-mail.
- ii. In case the plaintiff has concerns about any of the locations marked on the sketch, the concerns will be communicated to the counsel for the defendants by e-mail within one week. The plaintiff in case of a concern will also propose the alternate location by marking the proposed alternate location on the sketch.
- iii. The aforesaid consensus will be arrived between the parties within two weeks.
- iv. Thereafter, the defendants will be at liberty to proceed with the installation of CCTV cameras in the common areas. The final plan indicating the locations at which CCTVs have been installed



will be filed with the Court within two weeks of completion of installation.

- v. Subject to just exceptions, full access to the CCTV coverage on 24X7 basis will be provided to both defendant no. 1 and the plaintiff.
- vi. The costs of installation and purchase of the equipment will be borne by the defendants.

14. With the aforesaid directions, I.A. 6194/2024 stands allowed.

CS(OS) 718/2023

15. List before the Joint Registrar(J) on 04.09.2024.

MANMEET PRITAM SINGH ARORA, J

JULY 16, 2024/msh/sk