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

+ **RFA 74/2020**

WASEEMUDDIN

..... Appellant

Through : Mr.Sharique Hussain and Mr.Faizan
Azam, Advocates.

versus

MOHD SAJJAD & ORS

..... Respondents

Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **31.01.2020**

CM APPL.No. 3879/2020

For the reasons mentioned in the application, the delay of 22 days in refiling the appeal stands condoned.

The application stands disposed of.

CM APPL.No. 3878/2020

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

RFA 74/2020, CM APPL.No. 3877/2020

This appeal challenges the impugned judgment and decree dated 26.09.2019 passed by the learned Trial Court whereby the suit for possession, mandatory injunction and damages filed by respondent No.1 was decreed against the appellant. The dispute pertains to the parking space of two cars in the subject property. Admittedly, as per collaboration agreement dated 09.06.2011, the respondent No.1 was appointed as *Builder* to reconstruct the subject

property and in lieu thereof, he was to make the payment of Rs.3.50 lacs to the appellant/ owner of the premises and he also to get the first and third floor with one car parking space for each floor.

Perusal of the impugned judgment would reveal that on the ground floor there is construction on its half portion and the remaining half portion is left for car parking space, which as per learned counsel for appellant can accommodate only two cars. Per collaboration agreement, two car parking space would go to the respondent No.1.

Issue notice to the respondents through all modes returnable on 23.07.2020. Additionally, *dasti* notice on filing of process fee through the learned counsel for respondents as appearing before the learned Trial Court.

YOGESH KHANNA, J.

JANUARY 31, 2020

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