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

+ **CS(OS) 96/2018 & IA No.3180/2018 (u/O XXXIX R-1&2 CPC)**

SANJIT CHATTERJEE

..... Plaintiff

Through: Ms. Ginny J. Rautray, Mr. Ajay Bahl,
Ms. Anushka Ashok and Ms. Bhawna
Pal, Advs.

Versus

ALOK K. BAGCHI

..... Defendant

Through: Mr. M.N. Siddiqui and Mr. Sunil
Sagar, Advs. with defendant in
person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **16.03.2018**

1. This order is in continuation of the earlier order dated 7th March, 2018.
2. The defendant is reported to have been served and the counsel for the defendant appears.
3. The counsel for the plaintiffs states that after the last date of hearing before this Court, the Municipal Corporation of Delhi has revoked the plans which were sanctioned for construction. The counsel however states that she wants to continue with the suit.
4. The counsel for the plaintiffs, with reference to para 6 of the order dated 7th March, 2018, also states that the contention of the plaintiffs is that the plaintiffs have no objection to the entitlement of the defendant to raise

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construction over the open terrace on the second floor but is objecting thereto on the ground of the same endangering the structural safety of the property.

5. The counsel for the defendant is not aware of the order dated 7th March, 2018.

6. The counsel for the defendant, on enquiry states that the defendant is now not carrying on any work of construction and will not carry out any construction activity in property No.J-1908, Chittaranjan Park, New Delhi till the next date of hearing.

7. The defendant is ordered to be bound by his statement aforesaid.

8. Written statement be filed within the prescribed time.

9. Replication thereto, if any be filed within further thirty days thereafter.

10. The parties to file affidavit of admission/denial of each other's documents before the next date of hearing.

11. List on 30th August, 2018 for framing of issues, if any and for consideration of the pending applications.

RAJIV SAHAI ENDLAW, J.

MARCH 16, 2018

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