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

+ **FAO 106/2018**

VEENA KHULLAR Appellant
Through: Mr. Nalin Tripathi, Advocate.

Versus

NORTH DELHI MUNICIPAL CORPORATION & ORS.
.....Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **19.03.2018**

C.M.No.10621/2018 (for exemption)

Allowed, subject to all just exceptions.

The application stands disposed off.

FAO 106/2018

It is the appellants' case that despite the Municipal Corporation sealing the suit premises i.e. property bearing no. B-26, Block-I, Northern Extension Area, New Delhi on 14.05.2012, the appellant's agents were never evicted from it; that only the front gate of the boundary wall of the suit premises was sealed and the entry and exit into the said property was through the side walls and that the appellant has been in possession of the same throughout. In support of his contentions, the learned counsel for the appellant has relied upon the electricity and water bills of the suit property to show that she, through her agents, has been in possession of the suit



premises. The Report of Local Commissioner dated 05.02.2013, i.e. about 8-9 months after the sealing, records the presence of the agents of the appellant in the suit property. He further submits that this Court by order dated 25.05.2012 (passed in CS(OS) No.1555/2012) had directed maintenance of *status quo*, which position in law would obtain till date. However, the Corporation of its own arbitrarily went about displacing the appellant from the suit premises on 29.01.2018. He submits that if it was the case of the Municipal Corporation that the appellant had breached this Court's aforementioned *status quo* order, the proper course for them would have been to move an application in this regard, under Order XXXIX Rule 2-A CPC. He further submits that the forcible removal and purported eviction of the appellant from the suit premises, without notice, is in breach of the aforesaid *status quo* order and the possession of the appellant should be restored.

In the circumstances, issue notice to the respondents by ordinary process, Speed Post and through approved courier including *dasti*, through counsel as well, returnable on 17.07.2018.

NAJMI WAZIRI, J.

MARCH 19, 2018

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