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

+ **CS(OS) 554/2025 & I.A. 10145/2026, I.A. 10158/2026**

SRI MOHAN GUPTA

.....Plaintiff

Through: Mr. Yugansh Mittal and Mr. Madhur Gupta, Advs.

Mob: 8750555401

Email: madhur793@gmail.com

versus

SH. BHARAT BHUSHAN GUPTA & ORS.

.....Defendants

Through: Mr. R. N. Vats, Mr. Akshat Gupta, Mr. Tanmay Vats and Mr. Anmol Mathur, Advocates for D-1

Mob: 8160450416

Mr. Santosh Kumar Rout, Adv. for D-10, 11 & 18

Mob: 9990432878

Email: skrlawfirms@gmail.com

Mr. B.K. Singh, Adv. for D-12

Mob: 9599773754

Mr. Saurabh Beniwal, Adv. for Applicant

Mob: 8383960046

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **15.04.2026**

I.A. 10158/2026

1. The present application has been filed on behalf of the applicant seeking limited intervention, on account of being lawful owner and occupant of the upper floors and adjoining parts of property bearing No. 5576, New Chandrawal, Kolhapur Road, Delhi-110007.



2. At this stage, learned counsel appearing for the plaintiff submits that they are not claiming any portions of the property which are in the occupation of the applicant.

3. He, thus, submits that there is no need for making the applicant as party before this Court.

4. Learned counsel appearing for the applicant submits that he is seeking relief in terms of *I.A. 10145/2026*.

5. Considering the aforesaid, the present application is disposed of.

I.A. 10145/2026

6. The present application has been filed under Section 151 of the Code of Civil Procedure, 1908 (“CPC”) on behalf of the applicant seeking necessary directions from this Court.

7. It is submitted that the present suit is pending before this Court seeking partition in respect of various immovable properties, including *House No. 5576, New Chandrawal, Kolhapur Road, Delhi-110007*.

8. It is submitted that applicant herein is the lawful owner and occupant of the upper floors of *House No. 5576, New Chandrawal, Kolhapur Road, Delhi-110007*.

9. It is submitted that applicant’s portion of the property is situated directly above a portion of the property that forms part of the subject matter of the present suit.

10. It is further submitted that applicant does not claim any right, title, or interest as such in the *inter se* disputes pending adjudication between the parties to the suit.

11. Learned counsel appearing for the applicant submits that owing to passage of time, natural wear and tear, and structural deterioration, the



applicant is required to undertake necessary structural repairs and reconstruction in his portion of the property to render the same safe and habitable. However, it is submitted that on account of direction *vide* order dated 20th August, 2025 to maintain *status quo* with regard to title and possession, the defendant no. 1 is not cooperating and taking refuge under the said order.

12. It is submitted that defendant no. 1 has stated that in view of the subsisting *status quo* order, no construction would be permitted. Thus, it is submitted that defendant no. 1 is not cooperating with the applicant for the purposes of carrying out the construction work.

13. Learned counsel for the applicant submits that the applicant seeks reconstruction of his upper floors, which cannot be undertaken without temporarily accessing and refurbishing a portion of the wall containing the load-bearing pillar situated directly beneath his property.

14. It is further submitted that the said load bearing pillar forms an integral part of the support system of the applicant's upper floors. Thus, the present application has been filed.

15. Issue notice. Notice is accepted by learned counsel appearing for the plaintiff, who submits that he does not oppose the present application.

16. Notice is accepted by learned counsel appearing for defendant no. 1, who submits that he shall take instructions.

17. Accordingly, for instructions on behalf of defendant no. 1, re-notify on 30th April, 2026.

MINI PUSHKARNA, J

APRIL 15, 2026/ak