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

+ **CS(OS) 554/2025 & I.A. No. 10145/2026**

SRI MOHAN GUPTA

.....Plaintiff

Through: Mr. Keshav Poonia and Mr. Madhur
Gupta, Advs. with plaintiff in person

versus

SH. BHARAT BHUSHAN GUPTA & ORS.

.....Defendants

Through: Mr. Akshat Gupta and Mr. Anmol
Mathur, Advs. for D-1 with D-1
Mr. Saurav Beniwal, Adv. for
applicant
Mr. Arun Aggarwal, Adv. with Mr.
Lovelesh Kukreja and Ms. Kajal
Ashok Mishra, Advs. for D-16 & 17
(Through VC)
Mr. B.K. Singh and Mr. Kapil, Advs.
for D-12 (Through VC)
Mr. Rachit Bigghe, Adv. for D-13
(Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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30.04.2026

I.A. 10145/2026

1. 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.
2. Learned counsel appearing for the applicant submits that the applicant



is the lawful owner and occupant of the upper floors of *House No. 5576, New Chandrawal, Kolhapur Road, Delhi-110007*.

3. It is to be noted 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*.

4. However, the applicant is a third party and is not a party before this Court, and is not concerned with the partition suit which is pending before this Court.

5. This Court takes note of the submission made by the learned counsel appearing for the applicant that the portion of the applicant's property is situated directly above the portion of the property that forms subject matter of the present suit. Further, the applicant does not claim any right, title or interest as such, *inter se* the disputes which are pending adjudication between the parties, in the present suit.

6. Learned counsel appearing for the applicant submits that on account of natural wear and tear, there is structural deterioration in the applicant's portion of the property in question, on account of which the applicant wishes to undertake necessary structural repairs and re-construction, in his portion of the property in question, to render the same safe and habitable.

7. He further submits that the applicant seeks re-construction of the 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 portion of the property.

8. Learned counsel appearing for defendant no. 1 submits that though he has no objection if the re-construction work is carried out by the applicant, however, the defendant no. 1's portion of the property ought to be protected.



9. Learned counsel appearing for the plaintiff submits that he also has no objection if re-construction is carried out by the applicant.

10. Accordingly, the applicant is at liberty to approach the Municipal Corporation of Delhi (“MCD”) with respect to seeking appropriate permission for carrying out the requisite renovation or re-construction work.

11. It is clarified that directions of *status quo* passed *vide* order dated 20th August, 2025, in the present suit proceedings, shall not come in the way of the applicant approaching the MCD and carrying out re-construction work in terms of the permission granted by the MCD.

12. With the aforesaid directions, the present application is disposed of.

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13. Learned counsels appearing for defendant nos. 13, 16 and 17 draw the attention of this Court to the orders dated 03rd February, 2026 and 09th March, 2026 and submit that the information as was directed to be provided to defendant nos. 13, 16 and 17 by the plaintiff, has yet not been provided.

14. Learned counsel appearing for the plaintiff submits that they shall provide the requisite information to learned counsels appearing for defendant nos. 13, 16 and 17, within a period of one week, from today.

15. The aforesaid statement is taken note of.

16. List on the date already fixed, i.e., 06th July, 2026, before the Joint Registrar (Judicial).

MINI PUSHKARNA, J

APRIL 30, 2026/KR