

\$~68

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

+ RFA 509/2012

GURKAMAL SINGH

..... Appellant

Through: Mr. Counsel (appearance not given)

versus

JATINDER KAUR

..... Respondent

Through: Mr. Samrat Nigam and Mr. Rakesh
Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **14.05.2019**

CM. No. 52223/2018 (for delay)

This is an application filed by the applicant / appellant seeking condonation of 15 days delay in re-filing the application under Order XXII Rules 4 and 5 CPC.

For the reasons stated in the application, delay of 15 days in re-filing the application is condoned.

Application stands disposed of.

CM. No. 52222/2018 (for delay)

This is an application filed by the applicant / appellant seeking condonation of 168 days delay in filing the application under Order XXII Rules 4 and 5 CPC.

For the reasons stated in the application, delay of 168 days in filing the applications is condoned.

Application stands disposed of.

CM. Nos. 52220/2019 and 52221/2019

These two applications have been by the appellant under Order XXII Rule 4 and Order XXII Rule 5 CPC for brining on record the legal heirs of deceased Jatinder Kaur and for setting aside the abetment of the appeal.

Mr. Samrat Nigam, learned counsel appearing for the respondent states, he has no objection, if the abatement is set aside and the application for substituting the legal heirs of deceased Jatinder Kaur is allowed. It is ordered accordingly.

The following legal heirs of deceased Jatinder Kaur are brought on record:-

- I. Mrs. Meenu Verma (Daughter) aged 42 years W/o, Sh. D/o Late Sh. Surender Singh R/o C-62A, First Floor, Shiva Ji Pak, West Punjabi Bagh, Delhi – 110026.
Presently residing at 3B/1202, Whishpering Palms. Akurili Road, Opp. Mahindra and Mahindra, Gate No.2, Lokhandwala Township, Kandivali East, Mumbai, Maharashtra – 400101.
- II. Sh. Gurjeet Singh (son) aged 37 years presently residing at C-

62A., First Floor, Shiva Ji Park, West Punjabi Bagh,
Delhi – 110026.

- III. Ms. Anupma (daughter) aged 44 years D/o, Late Sh. Surender Singh last resided R/o C-62A, First Floor, Shiva Ji Park, West Punjabi Bagh, Delhi – 110026.

The amended memo of parties be filed within two weeks from today.

Application stands disposed of.

CM. No. 23022/2019 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CM. Nos. 23020/2019 & 23021/2019

This is an application filed by Sh. Gurjeet Singh, legal heir of late Jatinder Kaur with the following prayers:

“Viewing the facts and circumstances of the case stated herein above, in the light of the documents annexed and in the interest of justice and equity it is most humble prayer of the Applicant to this Hon’ble Court may most graciously be pleased to pass an order / direction (s) to restore the water supply to the property bearing no. C-62-A, First Floor, Shivaji Park, West Punjabi Bagh, Delhi immediately till the disposal of the main application.

Pass any other order / direction (s) in favour of the Revisionist / Petitioner as this Hon’ble Court deem fit and proper under the facts and circumstances of the case.”

It is submission of Mr. Samrat Nigam, learned counsel for the

respondent / legal heirs of Late Jatinder Kaur that this Court had directed the parties to maintain status quo with regard to the title and possession of the property. He by conceding the fact that a Suit was filed by late Jatinder Kaur for grant of permanent water connection has been dismissed, submits that the interim order dated March 18, 2013 shall be meaningful if the appellant is directed to continue to maintain the water supply in the property where the applicant is residing. According to him, neither the applicant nor other legal heirs shall claim any equity on the Delhi Jal Board merely supplying the water to the property where the applicant is residing. The counsel for the appellant does not seriously oppose the prayer except stating that the interest of the appellant be protected/secured.

Noting the aforesaid submissions, to make the order dated March 18, 2013 more meaningful, the applicant Gurjeet Singh is directed to approach the Delhi Jal Board for supply of water to the property where he is residing. It is made clear that the water connection shall continue to be in the name of Late Jatinder Kaur, but the bills raised by Delhi Jal Board shall be paid by the applicant herein with no liability on the appellant during the pendency of the appeal. The aforesaid is without prejudice to the rights and contention of the appellant.

The Delhi Jal Board shall take appropriate action on the applicant Gurjeet Singh approaching them within a week for water supply and the appellant shall not create any hindrance.

Application stands disposed of.

The date already fixed May 29, 2019 stands cancelled.

CM. No. 23020/2019

Dismissed as not pressed.

Dasti.

V. KAMESWAR RAO, J

MAY 14, 2019/jg