



\$~42

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

+ **CS(OS) 1129/2015**

HARMEET KAUR SINGH

..... Plaintiff

Through: None.

versus

KIMMI BRARA & ORS

..... Defendant

Through: Mr.V.K.Tandon, Adv. for the
applicant with defendant no.1 in
person.

Defendant no.2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

22.06.2022

I.A.9816/2022 (u/O XXXIX Rule 2A r/w S.151 CPC)

1. This is an application filed under Order XXXIX Rule 2A read with Section 151 CPC on behalf of the defendant no.1/applicant. It has been submitted that vide order 10.06.2022, this court after hearing the parties inter alia passed the following order:

"1. By way of present application filed under Order 39 Rules 1 and 2 CPC read with Section 151 CPC, defendant No.1 seeks inter-alia the following reliefs against defendant No.2 and others:-

"a. direct the defendant No. 2, her husband and her agents/aligns, not to interfere /fiddle / temper the CCTV Cameras installed by defendant No. 1 on the ground floor of premises No.A-6/20, Vasant Vihar, New Delhi.

b. direct the defendant No. 2, her husband and her agents/aligns, to remove all the obstacles / blockages created by them, from the ground floor, including the steel Almirah, which is causing obstruction and blocking the CCTV camera from capturing the footage in the CCTV Cameras installed by defendant No. 1 on the ground floor of premises No. A-6/20,



Vasant Vihar, New Delhi.

c. direct the defendant No. 2, her husband and her agents/aligns not to interfere/disrupt the electricity supplied on the ground floor to defendant No. 1 and defendant No. 1/applicant to have clear and unobstructed access to the electricity meters installed in the stair case of the ground floor."

2. Mr. Rakesh Khanna, learned Senior Counsel for defendant No.1, submits that the CCTV camera in question was installed at the ground floor of property bearing No. A-6/20, Vasant Vihar, New Delhi (hereinafter, referred to as the 'subject property') a long time ago for safety and security purposes and it has been in existence since. He further submits that the installation of the CCTV camera is not intruding the privacy of anyone and is rather looking outwards towards the open verandah and street thereafter.

3. Issue notice.

4. Defendant No.1, who is present in Court, accepts notice and seeks some time to file a Reply. Let the same be filed within four weeks from today. Rejoinder thereto, if any, be filed within two weeks thereafter.

5. Mr. Rohit Choudhary, learned counsel for the plaintiff, also accepts notice and submits that he does not wish to file any response to the present application.

6. Issue notice to defendant No.3 by all permissible modes, including electronic, returnable on the date already fixed i.e. 13.07.2022.

7. Till the next date of hearing, defendant No.2 is restrained from interfering/fiddling/tampering in any manner with the CCTV camera installed by defendant No.1 at the ground floor of the subject property. She is also restrained from interfering/obstructing in capturing of the CCTV footage and shall not place anything in front of the camera or disconnect the electricity supply in connection therewith."

2. The grievance of the applicant is that defendant no.2 under the garb of removing the articles has lifted stuff kept over the Almirah and placed the same near the Almirah thereby blocking access to reach the CCTV Camera



for carrying out the repair/correcting the view of the CCTV camera to its original position.

3. It has further been submitted that defendant no.2 also fiddled with the CCTV camera installed by defendant no.1.

4. Issue notice. Defendant no.2, who is present in person, accepts notice. Defendant no.2 seeks time to file reply as their counsel is not available. Let the reply be filed within two weeks.

5. Matter be listed before the roster bench on 13.07.2022. In the meanwhile Ms.Nidhi Mehra, Advocate, Enrolment No.D/4898/2018 (Mobile No.9953860227) is appointed as Local Commissioner. She is directed to visit A-6/20, Vasant Vihar, New Delhi today itself at 5.30 p.m. and inspect the positioning of the CCTV Camera and submit the report. Local Commissioner shall also see whether the view of the CCTV camera has been blocked in any manner or not. The fee of the Local Commissioner is fixed at Rs.10,000/- which shall be borne by defendant no1. Defendant no.2 is also directed to remain present and cooperate during the inspection proceedings. In case, the Local Commissioner feels necessity of police assistance, she may call the concerned SHO of the area.

6. *Dasti* under signatures of the Court Master.

**DINESH KUMAR SHARMA, J
(VACATION JUDGE)**

JUNE 22, 2022/rb