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

+ CS(OS) 571/2017

LATE JAGDIP KAUR & ORS.

..... Plaintiffs

Through: Ms. Kanika Agnihotri, Mr. Amer Vaid, Mr. Gandharv Garg and Mr. Abhishek Das, Advocates.

versus

MANBIR SINGH OBEROI & ORS

..... Defendants

Through: Mr. Kirti Uppal, Senior Advocate with Ms. Shaini Bhardwaj and Mr. Aditya Sharma, Advocates for D-1 with D-1 *via* video-conferencing. Ms. Sanjana Manchanda, Advocate for D-2.

Mr. Sanjeev Goyal, Ms. Shardha Jha and Mr. Chinmoy, Advocates for D-5. Mr. Arnav Sanyal, Advocate for D-6. Mr. Rajnish Kumar Jha, Advocate for D-9 and D-10.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

23.02.2024

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I.A. 4304/2024

By way of the present application filed under section 151 of the Code of Civil Procedure 1908, the applicant/defendant No.1 seeks recall/modification of order dated 11.10.2021, thereby permitting defendant No.1 to occupy and/or rent-out the ground floor of property bearing No.A-16/4, Vasant Vihar, New Delhi ('subject property'). Permission to repair and maintain the subject property is also sought in the context of the property going into dilapidation due to non-use.



2. Regardless of how the prayer is worded, Mr. Kirti Uppal, learned senior counsel appearing for defendant No.1 submits, that the limited interest of the said defendant is that the subject property should be kept-up with due repairs, renovation and maintenance as may be required, lest it should dilapidate by non-use.
3. Mr. Uppal further submits that permission of the court is required by reason of order dated 11.10.2021, whereby the subject property was placed in the possession of Mr. Mohit Gupta, Advocate as Receiver, who is present in court today.
4. Issue notice.
5. Counsel, as above, accept notice on behalf of the non-applicants; and seek time to file replies.
6. Upon the plaintiffs taking requisite steps, let notice be sent to the remaining defendants by all permissible modes, returnable for the next date.
7. Let the notice indicate that replies to the petition be filed within 06 weeks of service; rejoinders thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
8. Ms. Kanika Agnihotri, learned counsel appearing for non-applicants/plaintiffs submits, that she would take instructions limited to whether the plaintiff is willing to have requisite repairs, renovation and maintenance carried-out in the subject property to prevent its dilapidation.
9. In the circumstances, the learned Receiver is also directed to inspect the subject property, which is presently under his lock-and-seal, to assess as to whether repairs, renovation and maintenance, if any, are



required; and to file a brief report to that effect before the next date;
with copies to learned counsel for the parties.

10. Re-notify on 04th April 2024.

I.A. 15087/2017

11. The date of 16th April 2024 given earlier, shall remain as-is.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 23, 2024/ak