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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 and Mr. Shaurya Rohit, 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.

Ms. Sanjana Manchanda, Advocate for D-2.

Mr. Mathur Sapra, Advocate for D-3 and D-4.

Mr. Sanjeev Goyal, Ms. Ritu Bajaj and Mr. Chinmoy Chaitanya, Advocates for D-5.

Mr. Abhishek Ghai and Mr. Sagar Arora, Advocates for D-6

Mr. Rajnish Kr. Jha and Mr. Faiyazul Haque, Advocates for D-9 and D-10.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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04.04.2024

I.A. 4304/2024

Pursuant to what was recorded in the last order dated 23.02.2024, the learned Receiver appointed for the ground floor of property bearing No.A-16/4, Vasant Vihar, New Delhi ('subject property') has filed a Report dated 02.04.2024. Copies of the report have been served upon learned counsel for the parties.



2. Mr. Kirti Uppal, learned senior counsel appearing for the applicant/defendant No.1 and Ms. Kanika Agnihotri, learned counsel appearing for the non-applicant/plaintiff jointly submit, that as recorded *inter-alia* in para 9 of the Receiver's report, the on-ground position is that the subject property requires some basic repairs, including white-washing, repair of bathroom tiles and flooring etc.
3. Mr. Uppal and Ms. Agnihotri both submit, that any repair/renovation be conducted under the supervision of the Receiver. Counsel submit, that the plaintiff and defendant No.1 are willing to share the expense for carrying-out such repairs.
4. Counsel further submit, that since the subject property is lying in desuetude and is therefore likely to dilapidate, they would also be agreeable to letting-out the subject property to appropriate tenants, so as to make the subject property productive of rent.
5. Mr. Rajnish Kr. Jha, learned counsel appearing for defendants Nos.9 and 10 also concurs in the submission made.
6. In the circumstances, the learned Receiver is directed to engage an appropriate contractor to undertake the repair and maintenance, as suggested in his report.
7. To that end, the learned Receiver is directed to first identify a contractor from names that may be suggested by the parties; and to then prepare a list of the work that is required to be done, alongwith the estimated costs, with consensus of the plaintiff and defendant No.1.
8. Thereafter, the learned Receiver would engage an appropriate contractor and get the necessary work done, within such reasonable



time as may be possible. It is made clear all costs and expenses for undertaking repair and maintenance, shall be borne equally by the plaintiff and defendant No.1. However, it is made clear that incurring expenses for maintenance and repair shall not create any special equities in favour of *any of the parties* to the present suit.

9. Insofar as letting-out the subject property is concerned, the learned Receiver would be entitled to vet the prospective tenants from amongst those suggested by the plaintiff and defendant No.1, not just on the basis of the rental offered but also other relevant criteria; and to then place a report before this court for finalisation of a tenant.
10. As requested by learned counsel appearing for the parties, no walk-in prospective tenants will be permitted to inspect the subject property; and any such inspection shall happen after due approval from the learned Receiver, though the personal presence of the Receiver will not be required.
11. Counsel further request, that since the property is now being opened, the articles including furniture and other household effects lying in the subject property should be inventorised. Accordingly, the learned Receiver is directed to prepare an inventory of all articles, furniture and goods found in the subject property; and to take custody thereof. Nothing should however be removed from the subject property.
12. Re-notify on 16th April 2024.

ANUP JAIRAM BHAMBHANI, J

APRIL 4, 2024/ak