

IN THE COURT OF SH. BIHARAT AGGARWAL, CIVIL

JUDGE, DELHI (WEST)-02

SUIT NO.27/2020

Hans Raj Yadav

Plaintiff

Versus

Delhi Development Authority

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:24/06/2020 (2.00 P.M to 2.20 P.M) & (2.30 P.M. to 3.00 P.M.)

Present:- Sh. Iqbal Singh, Ld. Counsel for plaintiff. (Mobile No.8586925160)

(E-mail ID of Sh. Iqbal Singh : advocateiqbal93@gmail.com)

Sh. Vivek Kumar Yadav, Ld. Counsel for the defendant/DDA. (Mobile No.9999306804)

(E-mail ID of Sh. Vivek Kumar Yadav : vivek1307@gmail.com)

1. Present matter is taken up on an urgent application filed on behalf of plaintiff on 20/06/2020 at the court's official e-mail address i.e. *readercj02west@gmail.com* electronically u/s 151 CPC for seeking stay on construction allegedly sought to be raised by the defendant/DDA.

2. In the application it is stated that vide order dated 07/02/2020 this court has directed for fresh demarcation of the suit property i.e. WZ-125, Village Jwalaheri, Paschim Vihar, New Delhi-110063 by TSM method and the concerned Tehsildar was appointed as Local Commissioner to conduct the demarcation proceedings. It has been submitted by the counsel for plaintiff that a notice has been received from the concerned SDM to remain present for demarcation proceedings which are to be conducted on 06/07/2020.
3. The grievance of the plaintiff is that allegedly on 11/06/2020 at about 3.00 P.M. the defendant/DDA started piling up building material at the disputed site and it is alleged that DDA has appointed a contractor for raising a boundary wall at the site even before demarcation proceedings could be conducted in furtherance of the order dated 07/02/2020. The copy of the present application was supplied electronically to the counsel for defendant/ DDA.
4. On the other hand, counsel for defendant/ DDA submits that he is not aware about the status of construction, if any, alleged to be raised by DDA at the suit site. He further submits that he has sent emails to the concerned officials including the SLO of DDA for his comments, but no response has been received from the DDA officials. Order dated 16/03/2020 passed on another application seeking temporary injunction filed by the plaintiff reveals that the concerned AE of DDA was directed to remain present on 23/03/2020, however, due to the covid-19 pandemic the urgent interim application could not be heard further.
5. As the counsel for the defendant is unaware about the progress of

the alleged construction, if any, at the suit site, the matter is being adjourned today for 29/06/2020 at 2.00 P.M. through video conferencing. The counsel for plaintiff is directed to file the coloured photographs of the suit site electronically at the court's official e-mail address i.e. readercj02west@gmail.com within three days from today and also mark the defendant on the said email.

6. The counsel for defendant/DDA is expected to have complete instructions regarding the pending urgent interim application and the suit site and to ensure that the concerned official/AE who is allegedly trying to raise construction at the suit site attends the video conferencing hearing on the next date of hearing.

It is clarified that no further adjournment shall be given to either of the parties on the next date of hearing. Put up for arguments on the pending application on 29/06/2020 at 2.00 P.M. through video conferencing.

A copy of this order be sent to the Ld. Counsel for plaintiff and defendant and also to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.24/06/2020

IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL
JUDGE, DELHI (WEST)-02

SUIT NO. /2020

Aachi Devi @ Anchi Devi

Plaintiff

Versus

1. Sh. Ram Kishan Verma
2. Smt. Bimla Devi
3. Hemant

Defendants

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date: 24/06/2020 (3.30 P.M to 3.55 P.M)

Fresh suit received by way of assignment by Ld. SCJ, Delhi through email at the office email address i.e. "readercj02west@gmail.com" of this court at 2.24 P.M. Let it be checked and registered.

Present:- Sh. Neeraj Kumar Bansal, Ld. Counsel for plaintiff. (Mobile No. 9811632769)

(E-mail ID of Sh. Neeraj Kumar Bansal : bansalneeraj121@gmail.com)

1. Perusal of the order passed in the present suit dated 12/06/2020 of Ld. ADJ-01, West, Tis Hazari Court, Delhi (Duty Officer) reveals that as the defendants were not using any smartphone and they do not have any email address, the summons of the suit and

the notice on the various applications was issued through speed post/authorised courier and the plaintiff was directed to file an affidavit of service alongwith the tracking report in this regard. Thereafter, today at 3.24 P.M., Ld. Counsel for the plaintiff has electronically filed an affidavit of service stating therein that the defendants were served on 22/06/2020 and the summons were received by one Sh. Hemant who is defendant no.3 in the present case and is the son of defendant no.1 and 2. Alongwith affidavit of service, courier receipts and tracking report has been filed which shows that service has been effected to one Sh. Hemant on 22/06/2020.

2. Briefly stated, it is the case of the plaintiff that she is the owner of property bearing No.216/C, Gali No.6, Nehru Nagar, Baljeet Nagar, Delhi - 110008 which is admeasuring 66ft X 12ft (hereinafter referred to as the "suit property"). It is stated that defendant no.1 is the step son of the plaintiff and defendant no.2 is the wife and defendant no.3 is the son of defendant no.1. It is alleged that the defendants are trying to raise a wall at the backyard of the house by cutting trees and making illegal constructions on the roof of the gallery/empty space of the first floor and due to such construction the house of the plaintiff can fall down. It is stated that on 29/05/2020 the plaintiff called PCR and also despite various visits to the police station, the illegal constructions being carried out by the defendants has not been stopped. It is further stated that defendants are extending threats to the plaintiff and also trying to disposses the plaintiff from the suit property and a complaint in this regard was also made by the plaintiff to P.S. Anand Parbat on 29/05/2020. In these circumstances, the plaintiff has prayed for permanent injunction against the raising of illegal constructions and

further demolition of illegal constructions already raised. The plaintiff has also filed an interim application u/O XXXIX R.1 & 2 CPC whereby *inter alia* she has prayed that the plaintiff should not be dispossessed from the suit property forcibly without following due process of law. Alongwith plaint the plaintiff has filed her Aadhaar Card reflecting her address as the suit property, GPA executed by one Sh. Suraj Ram, electricity bill issued by BSES in respect of the suit property, a complaint made to SHO Anand Parbat and certain photographs.

3. *Prima facie* from the perusal of the record it appears that the plaintiff is in possession of the suit property. Furthermore, it *prima facie* appears that the defendant no. 3 has been served on 22/06/2020.

In these circumstances, the defendants are hereby restrained from forcibly dispossessing the plaintiff from the aforesaid suit property without following due process of law, till the next date of hearing.

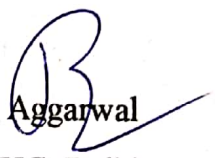
4. Plaintiff is directed to file the coloured photographs showing the alleged illegal constructions being raised by the defendants, before the next date of hearing.

5. The present case is of unauthorised construction and, therefore, it *prima facie* appears that the concerned MCD would be a necessary party in this regard. Let an appropriate application in this regard be filed by the plaintiff alongwith the mobile number and email address of the proposed defendant/MCD so that a report may be called by the concerned official of MCD in this regard.

6. Let fresh service of the plaint alongwith complete set of documents be made by the plaintiff on the defendant no.1 and 2 through speed post and courier and the affidavit of service alongwith tracking report be filed by the plaintiff in this regard. In addition, copy of this order shall be supplied by the plaintiff to the defendants personally and also through speed post/courier and let an affidavit of service alongwith tracking report be filed by the plaintiff showing service of this order upon the defendants, before the next date of hearing. The Defendants can coordinate about the case hearing by contacting the Reader of this Court, Sh. Jagdeep (Mobile No. 9871749675).

Put up for further proceedings on 10/07/2020.

A copy of this order be sent to the Ld. Counsel for plaintiff and also to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.


Bharat Aggarwal

C.J-02, West, THC, Delhi

dt.24/06/2020