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

+ **CM(M) 80/2015 and CM No. 1567/2015 (Stay)**

KRISHAN KUMAR GARG

..... Petitioner

Through: Mr. Manish Vats and Mr. R.S.Vats,
Advocates.

versus

RAM NIWAS VERMA

..... Respondent

Through: Mr. J.S. Rawat, Advocate.

+ **CM(M) 81/2015 and CM No. 1569/2015 (Stay)**

PRADEEP KUMAR

..... Petitioner

Through: Mr. Manish Vats and Mr. R.S.Vats,
Advocates.

versus

RAM NIWAS VERMA

..... Respondent

Through: Mr. J.S. Rawat, Advocate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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16.04.2015

1. The Petitioners filed applications in two petitions being RCA Nos. 45/2014 and 46/2014 with regard to repairing of the tin shed in the two shops in their possession. The said applications were dismissed vide identical orders dated 10th October, 2014.

2. Two suits for possession were filed by the Respondent against the Petitioners with respect to the shops at the ground floor of the property

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No.114, K-12/21/1 and 21/2 situated in the revenue estate of village Nangloi, Delhi. The said suits were decreed against the Petitioners. The decrees were challenged in appeals. Pending the appeals, applications were filed under Section 151 CPC with regard to the repair of the tin shed or in the alternative to allow the Petitioners to repair/replace the same.

3. In the reply filed by the Respondent it was pointed out that the Petitioners have been placing goods on the road two-three ft. outside the shop and the tin shed is even 4-5 ft outside the shop, around 1-1½ ft beyond the footpath.

4. The tin sheds as shown in the photographs are abutting on the road extending beyond the suit property. The case of the Petitioners is that due to the condition of the tin shed the rain water, sun light falls in the shop which causes inconvenience. A perusal of the photographs shows that the purpose of putting the tin shed is to encroach on the footpath which is not permissible and hence I find no merit in the petitions. The petition and applications are dismissed.


MUKTA GUPTA, J.

APRIL 16, 2015/'vn'