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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 262/2016
CHARANJEET LAL KAPOOR

..... Petitioner

Through Mr.Ravi Dev Sharma, Advocate.

versus

NATWAR LAL & ORS

..... Respondents

Through Ms.Manisha Aggarwal Narain,
Advocate for EDMC.
Mr.Dhanesh Relan Standing Counsel
for DDA with Ms.Isha Garg,
Advocate.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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16.03.2016

C.M. No.9599/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

CM(M) 262/2016 & C.M. No.9598/2016

The petitioner is aggrieved by the order dated 22.02.2016 only to that extent that he has been asked to produce his title documents in appeal which has been filed by the non-applicant/respondent no.1. His submission is that the respondent no.1 is an illegal occupant; he had filed a suit before the Trial Court which had been decreed partly in his favour. Before the Appellate Court his submission is that the petitioner (respondent no.1 in the Trial Court) had encroached upon

the MCD drain abutting his property which should be considered sympathetically. Petitioner (respondent no.1 in the Appellate Court) has no objection as far as this part of the order is concerned his only grievance is that he has been asked to produce his documents of the land which has been allotted to him by the Ministry and his plot has been directed to be measured. Submission being that this is unfair as the grievance of the non-applicant is only that the petitioner has encroached upon the MCD drain abutting the property of the non-applicant.

In this view of the matter, that part of the order wherein the petitioner (respondent no.1 before the Appellate Court) has been directed to produce his documents of title and the measurement of his plot is directed to be carried out is set aside. The rest of the order shall remain.

Petition disposed of in the above terms.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

MARCH 16, 2016

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