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

+ C.R.P. 185/2016 & CM No.42341/2016

MANOHAR VIJ & ANR ..... Petitioner

Through Ms.Neelam, Advocate for  
Mr.Gaurang Gupta, Advocate

versus

SAIN DAS CHOPRA ..... Respondent

Through Mr.J.C.Mahindro and Ms.Sapna  
S.Kapil, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

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**15.12.2016**

1. By the present petition under section 115 of the CPC the petitioner seeks to impugn the order dated 14.9.2016 by which an application filed by the petitioner under section 151 CPC to direct the respondent to break open the locks was partly allowed. The petitioners are the daughter/son-in-law of the respondent. The respondent has filed a suit for mandatory injunction to direct the petitioner to remove their locks and belongings from the ground floor and first floor of property bearing No.313/90C, Gali No.8, Tulsi Nagar, Inderlok, Delhi. It is urged that the petitioners were permitted by the respondent to use a portion of his property on the ground floor without charging any license fee which license now being revoked.

2. The petitioners filed an application under section 151 CPC to allow and direct respondent to break their lock which as per the petitioners was installed illegally on the suit property. The trial court by the impugned order noted that prima facie the petitioner do not have a title to the property and

directed the parties to open their locks and the petitioner to remove their belongings and that thereafter the respondent can put his lock till next date of hearing.

3. Learned counsel appearing for the respondent has pointed out that on 8.11.2016 the petitioner No.1 has given an undertaking to the trial court to vacate the property and to hand over vacant possession on or before 12.12.2016 and also pay a sum of Rs.25,000/- to the respondent for aforesaid use of premises for a period of one month on or before 12.12.2016. Learned counsel appearing for the petitioner has submitted that application for recall of this order is pending before the trial court.

4. Be that as it may, in my opinion, there are no reasons to interfere in the impugned order. The claim for title is prima facie mischievous. There is no registered Gift Deed in favour of the petitioners as it appears to have been claimed. There was no justification for the petitioners to have put their own lock on the suit premises to trouble their father/father-in-law. Further, in view of the undertaking dated 8.11.2016 there are no reasons to modify the impugned order. The petition is dismissed. All pending applications, if any, also stand disposed of.

5. Dasti.

**JAYANT NATH, J**

**DECEMBER 15, 2016**  
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