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

+ CM(M) 1274/2016 and CM Nos. 45831-32/2016

SITA RAM ALIAS ANR. Petitioner
Through Mr.Hemant Gupta and Mr.Shalabh
Gupta, Advocates.

versus

B.D.SHARMA & ORS. Respondents
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

% **ORDER**
08.12.2016

Learned counsel for the petitioner submits that the petitioner has purchased the ground floor of the adjoining property and for the purpose of connecting the two properties through a door, demolished a portion of the wall only. He submits that no damage is caused to the property as it is raised on pillars and columns. Hence, no prejudice is caused to the other occupants of the property. He submits that merely because the two properties are built independently, the trial court has passed a decree of mandatory injunction against the petitioner directing the petitioner to restore/reconstruct the wall to its original form and to demolish the toilet in the basement underneath the shop. He submits that though an appeal has been filed before the appellate court along with an application for an interim order, the appellate court has merely on 26.10.2016 issued notice on the stay application and adjourned

the same to 14.12.2016. He submits that in the meanwhile, the executing court has issued warrants of attachment and also warrants of arrest. It is also pointed out that the bailiff is ready to execute the order today itself.

Keeping in view the above averments, the parties are directed to maintain status quo till the next date of hearing before the appellate court i.e. 14.12.2016 or till such other date the appellate court vacates or modifies the said order. On the next date, the appellate shall deal with the injunction application and dispose it of as per law uninfluenced by any observations made by this court.

In view of the above, the petition stands disposed of.

All pending applications also stand disposed of.

Copy of the order be given dasti under the signatures of the Court Master.

JAYANT NATH, J

DECEMBER 08, 2016/rb