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

+ RFA 512/2015

SURESH KUMAR Appellant
Through: Mr. Rajender Yadav, Adv.

Versus

DHARM PAL Respondent
Through: Mr. Arvind Singh Chandel, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 25.05.2016

CM No.20196/2016 (of appellant for impleadment of Tata Power Distribution Ltd. and Delhi Jal Board as respondents)

1. This order is in continuation of the earlier order dated 29th April, 2016.
2. In pursuance thereto, the appellant has filed CM No.20196/2016 for impleadment of Tata Power Distribution Ltd. and Delhi Jal Board as respondents to the appeal.
3. The said application is allowed and the amended memorandum of parties filed along with the application is taken on record.
4. However, in view of what is recorded in the order dated 29th April, 2016, need is not felt to issue notice to the newly added respondents.
5. The counsel for the respondent has been heard.
6. The judgment and decree dated 24th April, 2015 of the Court of Additional District Judge (ADJ)-02 (North), Rohini Courts, Delhi in CS No.107/2014 is modified as under:

(I) though there will be a decree for permanent injunction against the appellant/defendant restraining the appellant/defendant his family members, servants, attorneys, associates, agents and assigns from creating any hindrance in the physical possession of the respondent No.1/plaintiff of House No.K-1167, Block-K, Jahangir Puri, Delhi but it is clarified that the same will not prevent the appellant/defendant from taking recourse to legal means to recover possession of the said property from the respondent No.1/plaintiff or to enforce any other rights of the appellant/defendant in the said property;

(II) the decree for permanent injunction against the appellant/defendant restraining the appellant/defendant from creating any kind of third party interest in the aforesaid property is set aside. It is clarified that the third party rights if any created by the appellant/defendant would be subject to the claims / rights if any of the respondent No.1/plaintiff in the property and the appellant/defendant shall duly inform the third party of the said claims / rights of the respondent No.1/plaintiff;

(III) the decree for permanent injunction in favour of the respondent No.1/plaintiff and against the respondents/defendants No.2&3 Tata Power Distribution Ltd. and Delhi Jal Board restraining them from disconnecting electricity connection bearing CA No.60009887559, K. No.45200132964 and water connection KNO No.7769290000 is made subject to the payment by the respondent No.1/plaintiff of the charges therefor and it is clarified that upon default if any of the

respondent No.1/plaintiff in payment of any charges with respect to the said connections, the respondents/defendants No.2&3 Tata Power Distribution Ltd. and Delhi Jal Board shall be entitled to disconnect the said electricity and water connections.

7. The appeal is disposed of, leaving the parties to bear their own costs.
Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

MAY 25, 2016

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