

\$~15 & 18

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

+ **FAO(OS) 586/2015**

SAHEB SINGH & ORS Appellants
Represented by: Mr.P.P.Ahuja, Advocate

versus

VISHAL GROVER & ORS Respondents
Represented by: Mr.Sandeep Sharma, Advocate with
Ms.Risha Mittal, Advocate for R-1
and R-2
Ms.Monika Arora, Advocate with
Mr.Harsh Ahuja, Mr.Gaurav
Upadhyay and Mr.Kushal Kumar,
Advocates for R-3 and R-4
SI Dharmendra, PS Karol Bagh for
R-5

CS (OS) 2930/2012

SAHEB SINGH & ORS Appellants
Represented by: Mr.P.P.Ahuja, Advocate

versus

VISHAL GROVER & ORS Respondents
Represented by: Mr.Sandeep Sharma, Advocate with
Ms.Risha Mittal, Advocate for R-1
and R-2
Ms.Monika Arora, Advocate with
Mr.Harsh Ahuja, Mr.Gaurav
Upadhyay and Mr.Kushal Kumar,
Advocates for R-3 and R-4
SI Dharmendra, PS Karol Bagh for
R-5

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

15.03.2016

1. Learned counsel for the parties made a request that along with the appeal, CS (OS) No.2930/2012 may also be disposed of and therefore we have called for the file of the suit and have got it listed.
2. The appellants are the four plaintiffs. Respondent No.1 and 2 are defendants No.1 and 2 in the suit. Defendants No.3 and 4 are Municipal Corporation of Delhi through its Commissioner and the Karol Bagh Zone of the Municipal Corporation of Delhi. Defendant No.5 is the SHO of PS Karol Bagh.
3. Learned counsel for the appellants states that inadvertently he has impleaded Municipal Corporation of Delhi through its Commissioner as defendant No.3 as also Municipal Corporation of Delhi Karol Bagh Zone as defendant No.4. At best the Municipal Corporation of Delhi, as the juristic entity has to be impleaded as defendant.
4. Be that as it may, case of the plaintiffs is that they are tenants of different shops in property bearing Municipal No.11A/32, WEA, Karol Bagh Zone, New Delhi. They allege that defendants No.1 and 2 are land grabbers. They allege that defendants No.1 and 2 are threatening to dispossess the plaintiffs from the respective portion of the suit property in their possession as tenants. They plead that defendants No.1 and 2 are neither the owners nor their landlords.

5. Relief claimed is to injunct defendants No.1 and 2 from evicting them other than by due process of law. Another grievance raised is that defendants No.1 and 2 are raising unauthorized constructions in the suit property without a sanction from the Municipal Corporation of Delhi. Relatable prayer is to injunct said defendants from effecting constructions without a municipal sanction.
6. In the written statement filed by defendants No.1 and 2 they have pleaded having taken recourse to civil action to recover possession from the plaintiffs. Though not said so in clear terms in the written statement, learned counsel for defendants No.1 and 2 (respondents No.1 and 2 in the appeal) states that said respondents would not effect any construction in the suit property without obtaining sanction from the Municipal Corporation of Delhi.
7. Under the circumstances the question of settling any issues for adjudication in the suit does not arise.
8. The grievance in the appeal concerns the issues which have been settled.
9. With consent of learned counsel for the parties we dispose of the appeal as also the suit filed by the appellants taking on record statement made by learned counsel for respondents No.1 and 2 that they would not dispossess appellants from the suit property save and except if they obtain ejectment orders against the plaintiffs. We also take on record the statement made by their counsel that no construction would be made in the suit property without obtaining a sanction from the Municipal Corporation of Delhi. Respondents No.1 and 2 would be bound by their statements.
10. Parties shall bear their own costs in the suit as also in the appeal.

CM No.24089/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

MARCH 15, 2016

mamta