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

+ C.R.P. 54/2017

RENU KHURANA & ANR.

..... Petitioners

Through Mr.Pramod Ahuja & Ms.Amita  
Sachdeva, Advocates

versus

NORTH DELHI MUNICIPAL  
CORPORATION & ORS.

..... Respondents

Through

**CORAM:**

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

**ORDER**

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**03.03.2017**

**CM No.8740/2017** (*exemption*)

Allowed subject to all just exceptions.

**C.R.P. 54/2017 & CM Nos.8741-742/2017**

1. By the present petition filed under Section 115 of the CPC, the petitioners seeks to impugn the order dated 27.02.2017 by which appellate court has issued notice to the respondents and did not pass any ex-parte injunction restraining Delhi Jal Board for providing water connection.
2. The petitioners have filed a suit for permanent and mandatory injunction to restrain North Delhi Municipal Corporation from sanctioning the plan of respondents No.4 and 5 and also to restrain respondents No.4 and 5 from raising any unauthorised & illegal construction upon the roof of Second Floor of the property being No.G-16/B, Mansarovar Garden, New Delhi.

3. The trial court by the impugned order noted that unauthorised construction and installation of electricity meter arose several months back. Accordingly, it noted that the petitioners were not serious and declined to pass any injunction order and dismissed the application under Order 39 Rule 1 and 2 CPC vide order dated 16.02.2017.

4. An appeal against the said order dated 16.02.2017 has been filed where the appellate court on 27.02.2017 has issued notice to the respondents returnable for 20.03.2017.

5. The learned counsel appearing for the petitioners submits that the suit will be become infructuous if the unauthorised construction is carried out by respondents No.4 and 5. Hence, he submits that it is important this court may stay the further construction being carried out by respondents No.4 and 5.

6. I have heard the learned counsel for the petitioner.

7. In my opinion, prima facie there is nothing on record to show that respondents No.4 and 5 are indulging in unauthorised and illegal construction. In any case, the matter is pending and coming up on 20.03.2017 before the appellate court. There are no reasons for this court to pass a stay order as sought.

8. However, keeping in view of the submissions of the petitioner, North Delhi Municipal Corporation(*in short the 'NDMC'*) is directed to file a status report regarding the construction said to have been carried out by respondents No.4 and 5. The report be filed on 20.03.2017 before the appellate court.

9. A copy of this order be supplied to the North Delhi Municipal Corporation through the petitioners.

10. Copies of this order be given *dasti* under the signature of the court master to the petitioner.

11. With the above observations, the present petition and all the pending applications stands disposed of.

**JAYANT NATH, J.**

**MARCH 03, 2017/v**