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

+ EX.S.A. 7/2014 C.M.No. No. 20187/2014 (stay)

MANDIR SHRI RADHA KRISHAN

..... Appellant

Through: Mr. L.K.Singh and Mr.Sonal Sinha,
Mr. Raj Kumar and Ms. Saira
Parveen, Advocates.

versus

SUSHIL KUMAR JAIN & ORS

..... Respondents

Through: Mahmood Hasan, Advocate for R-1
and 2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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27.04.2017

After arguments, this execution second appeal is disposed of with the consent order that while the impugned orders dated 5.6.2012 and 4.9.2014 are set aside, however, whether or not the decree holders have a right to enter into the suit premises/shop through the channel gate, being an independent cause of action, and which was not the subject matter of the suit, it is agreed that the decree holders/respondent nos. 1 and 2 will be entitled to file independent civil proceedings for claiming entry to the suit premises through the channel gate and as regards such proceedings no observations are made by this Court on merits of the cases of the respective

parties one way or the other and the competent court in which the independent proceedings are filed will examine this aspect and decide the same in accordance with law.

The appeal is accordingly allowed and disposed of however subject to the aforesaid liberty and with the aforesaid observations.

VALMIKI J. MEHTA, J

APRIL 27, 2017

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