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

+ **CONT.CAS(C) 48/2018 & CM APPL. 26625/2023**

DALIP SINGH

..... Petitioner

Through: Mr. Nikhil Arora & Ms. Isha, Advs
along with petitioner in person.

versus

CHARAN SINGH

..... Respondent

Through: Mr. Sarvesh, Mr. Jyotirmay Mr.
Kshitij Singh and Mr. Yash Basoya,
Advs.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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19.01.2024

CM APPL. 26625/2023

1. The present application has been filed for restoring the present contempt petition to its original number as the same had been dismissed in default on 13th April, 2023.
2. For the reasons stated in the application, the application is allowed and the contempt is restored to its original number.
3. Application is disposed of.

CM APPL. 49339/2019

4. The present is an application on behalf of the petitioner to bring on record the legal heirs of the respondent.
5. Considering the submissions made in the present application, the



application is allowed and the legal heirs of the deceased respondent, whose details are given in the paragraph 2 of the said application, are brought on record.

6. Amended memo of parties filed along with the application is taken on record.

CONT.CAS(C) 48/2018

7. The present contempt petition has been filed alleging the fact that the respondent is not allowing the petitioner to construct a door in terms of the order dated 03rd February, 2017 passed by this court in *RSA No.53/2007*.

8. Learned counsel appearing for the respondent submits that the petitioner had only been granted permission to open a door towards the Gali. However, the petitioner has raised the construction upto 4 feet above the ground level. Therefore, he submits that the petitioner cannot be allowed to raise any construction in the Gali, which will obstruct the ingress and egress of the respondent's property.

9. Per contra, learned counsel appearing for the petitioner on instructions from the petitioner, who is present in person, submits that no construction shall be made in the Gali in question and that only a door shall be constructed so that there is access to the residence of the petitioner from the Gali in question.

10. She further submits, on instructions, that no staircase shall be constructed by the petitioner in the Gali and that the construction of the petitioner, where the door is to be constructed, is at the same road level as the Gali.

11. The petitioner undertakes that only a door shall be constructed which shall be at the same level as the road level so that no construction of any



staircase or any other construction is required in the Gali in question. He undertakes that only a door shall be constructed, which will open towards the disputed Gali and that the petitioner shall not construct any staircase or cause any other obstruction in the Gali in question. The undertaking submitted by the petitioner before this court, is taken on record. The petitioner is held to be bound by the same.

12. In view of the aforesaid, no further orders are required to be passed in the present petition.

13. Accordingly, the present contempt petition is disposed of.

MINI PUSHKARNA, J

JANUARY 19, 2024/kr