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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 163/2018 & I.A. 5022/2018

RAMESH KATHURIA

Through

..... Plaintiff

Mr. Muneesh Malhotra with
Ms. Manpreet Kaur Bhatia and
Ms. Prerana Chaturvedi, Advocates

versus

RAJENDRA PAL GUPTA

Through

..... Defendant

Mr. Prateek Tiwari with Mr. Maruf
Khan, Advocates**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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30.07.2018

Present suit has been filed for permanent and mandatory injunction.

It is the case of the plaintiff that common passage of the suit property is being blocked by the defendant for stocking, storing, parking and loading or unloading of material. According to the plaintiff, the impugned actions violate his easement rights.

In the written statement, it has been averred that the ingress and egress of the plaintiff has not been denied and obstructed in any way as the common area always remains vacant, except when loading or unloading is going on, as agreed vide Partnership Deed dated 24th September, 1990.

Learned counsel for the plaintiff states that the common passage remains obstructed for hours at length and the plaintiff has difficulty in having access to his part of the suit property which is at the rear end.

Today, learned counsel for the defendant once again reiterates that the ingress and egress of the plaintiff has never been and shall never be denied or obstructed. He further states that even if a van or truck or tempo enters the passage for loading or unloading purposes, the same shall be removed within thirty minutes during working hours, i.e. 9 a.m. to 5 p.m. and one hour during non-working hours.

In view of the aforesaid statement, learned counsel for the plaintiff does not wish to press the suit for any other or further relief.

The statement made by learned counsel for the defendant is accepted by this Court and defendant is held bound by the same.

Accordingly, present suit is decreed in accordance with the aforesaid statement made by learned counsel for the defendant. Registry is directed to prepare a decree sheet.

Registry is also directed to issue to the plaintiff a certificate authorizing him to receive back from the Collector half the amount of the Court fee paid by him in the present suit.

MANMOHAN, J

JULY 30, 2018

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