

\$~18

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

+ LPA 315/2018

SANT KAUR Appellant

Through: Ms. Dulveer Kaur, Advocate

versus

MANJEET SINGH & ANR Respondents

Through: Mohd. Azam Ansari, Advocate for
respondent No.1

Mr. Sunil Fernandes, Standing
Counsel for BSES-RPL

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **03.07.2018**

CM No.25759/2018(for dismissal of the appeal)

With the consent of the learned counsel for the applicant and the non-applicant, the appeal itself is taken up for hearing and disposal. The date 9.7.2018 is cancelled. Application is disposed of.

LPA No.315/2018

Sant Kaur is aggrieved by the order of the learned Single Judge dated 19.4.2018 passed in WP(C) No.8375/2016, Manjeet Singh v. BSES(RPL) & Ors.

The impugned order directs BSES(RPL) to install an electricity meter on the second floor at property No.WZ-122, Gali No.7, Shiv Nagar, Janakpuri, New Delhi, which is in occupation and residence of Manjeet Singh, the first respondent before us.

The appellant herein is sister of Manjeet Singh and there is a dispute between her and the first respondent on the question of ownership of the property, which is *sub judice*. The impugned order records that the direction to install the electricity meter would not be treated as an expression of opinion on the dispute pending adjudication between the appellant and the first respondent.

Though it is possible to argue that the appellant should have been impleaded as a party to the writ petition, but looking at the nature of the direction given in the impugned order, we are not inclined to interfere or direct remand, as it is not disputed that the first respondent is in possession of the second floor. Impugned order records that since 1994, i.e., for last 22 years, the first respondent has been in occupation of the second floor of property No.WZ-122, Gali No.7, Shiv Nagar, Janakpuri, New Delhi. This may be disputed, but the actual physical possession by the first respondent of the second floor is not disputed.

With the aforesaid observations, the appeal is dismissed, without any order as to costs.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

JULY 03, 2018

tp