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

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Judgment delivered on: 11.12.2019

+ FAO 375/2019

SHUBHLATA TANWAR

..... Appellant

versus

ABHAY SINGH YADAV & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Rahul Sagar Sahay with Mr. Siddharth Bansal,
Advocate

For the Respondent: Mr. Manjit Singh Chauhan, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

FAO 375/2019 & CM APPL.41222/2019 (stay)

1. Appellant impugns order dated 29.07.2019, whereby, appellant has been restrained from carrying out any further constructions/repairs in the property.

2. Case of the appellant is that the appellant was in occupation of the property and because of the fact that the property was in dilapidated condition, a portion of the property fell down. Thereafter, appellant approached the South Delhi Municipal Corporation for

permission to demolish the dilapidated portion and to reconstruct the same.

3. Learned counsel for the appellant submits that after the dilapidated portion was demolished and while he was raising construction/repairs in the property, subject impugned order was passed, which is causing great hardship to the appellant as the property is now in a condition that it cannot be put to any residential use.

4. Learned counsel for the appellant undertakes that the appellant shall raise the construction in accordance with the original site plan, copy of which is already on record of the Trial Court, and shall further not claim any special equity or compensation for the additions/alterations/construction raised by the appellant in case the respondent succeeds in the suit.

5. The undertaking is accepted.

6. Learned counsel for the respondent submits that in view of the above undertaking, he has no objection to appellant carrying out the construction/repair work to bring it in conformity with the site plan already on record.

7. In view of the above, order dated 29.07.2019 is vacated and the appellant is permitted to carry out the construction/repair work in accordance with the Municipal Bye-Laws to bring the property in

original position as shown in the site plan filed before the Trial Court.

8. The appellant shall not sell, alienate, transfer or create any third-party rights in the property pending the Suit and shall also not claim any special equities or compensation from the respondent, for the additions/alterations/construction raised by the appellant in terms of this order, in case the respondent succeeds in the suit.

9. Appeal is allowed in the above terms.

10. Order *Dasti* under the signatures of the Court Master.

DECEMBER 11, 2019
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SANJEEV SACHDEVA, J