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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 155/2020 and CM APPL. 5040/2020, 5041/2020, 5042/2020**

MANJEET SINGH

..... Petitioner

Through: Mr. Azam Ansari, Advocate (M: 9990066404).

versus

SANT KAUR

..... Respondent

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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07.02.2020

1. A perusal of the index sheet/objections sheet shows that the Petitioner has clearly tried to serve the advance copy of the petition, which has been refused by Id. counsel for the Respondent. Seven telephonic calls are also stated to have been made by the Petitioner who is present in Court. None appears for the Respondent.
2. The grievance of the Petitioner in this case is that the Petitioner's father had filed a suit before this Court in respect of the very same property bearing No. WZ 122, Gali No.7, Shiv Nagar, Janakpuri, New Delhi-110058, in which a *status quo* order was granted by a Id. Single Judge of this Court on 26th October, 2017. The operative portion of the order reads as under:

“6 As per the averments in the plaint the plaintiff paid more than 50% of the total sale consideration, that is, Rs. 1,10,000/- and the defendant No. 2 only paid a sum of Rs. 50,000. Consequently till, the next date of hearing, parties are directed to maintain status quo in respect to possession and title of the suit property i.e.

WZ-122, Gali No. 7, Shiv Nagar, Janakpuri, New Delhi-110058”

3. He submits that subsequently, the Defendant in the High Court suit/Respondent herein (*hereinafter ‘Respondent’*) has preferred a suit before the Senior Civil Judge seeking a permanent and mandatory injunction. In the said suit, the impugned order has been passed despite an application being moved by the Petitioner herein and bringing it to the notice of the Court that there is already a suit pending in the High Court in respect of this property.
4. A perusal of the impugned order shows that the Respondent has been permitted to enter the second floor and roof top of the property for the purpose of carrying out repair work along with a plumber. The apprehension of the Petitioner is that under the garb of repair, the Respondent might take possession of the second floor and the roof.
5. The Court has perused the impugned order. The Trial Court has in effect, permitted the Respondent to visit the second floor and the roof top along with a plumber for carrying out repairs within a week.
6. Considering the fact that *status quo* is operating *qua* title and possession, it is made clear that in order to repair the second floor or the roof - if any plumbing work is required to be done, for controlling or removing the seepage, the Respondent is permitted to engage a plumber to visit the roof for carrying out the repairs. However, the access to the second floor and roof shall be granted only by the Petitioner to the plumber and anyone who needs to help him and no one else. If the Respondent wishes to accompany the plumber, in that event, the Respondent can pray for appointment of a local commissioner to oversee the repair work, which the Trial Court shall

consider. The impugned order is modified to this extent. The plumber would visit the premises i.e. the second floor and the roof top during the day time for a period of three – five hours during the day.

7. The petition with all pending applications is disposed of.
8. Order *dasti* under signatures of the Court Master.

PRATHIBA M. SINGH, J.

FEBRUARY 07, 2020/MR