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

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Judgment delivered on: 17.07.2020

+ CM(M) 185/2020

DR WARYAM SINGH

..... Petitioner

versus

DR ANKIT KUMAR & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Ms. Geeta Luthra, Senior Advocate with Ms. Shivani Luthra Lohiya Mr. Pranav Vashishtha, Advocates with Dr. Rupinder Singh.

For the Respondents: Mr. Ashim Shridhar, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM(M) 185/2020 & CM APPL.6111/2020 (stay)

1. The hearing was conducted through video conferencing.
2. Petitioner impugns orders dated 01.02.2020 and 10.02.2020, whereby, directions were issued to the petitioner to provide a second/duplicate key to the respondent No.1 of the gated area in the front set back on the ground floor.
3. It is the case of the petitioner that the front set back on the ground floor is in the exclusive ownership of the petitioner and no access can be provided to the respondents for the same.

4. This is disputed by the learned counsel appearing for the respondents, who contends that this is a common area.

5. Though there may be a dispute raised by the respondent with regard to the gated area in the front set back on the ground floor, the admitted position is that the petitioner has affixed a gate on the front portion and the key is exclusively with the petitioner. It is also an admitted position that the respondent No.1 has installed certain air conditioners for the basement, the access to which is through the gated area.

6. It is the case of the petitioner that though the air conditioners were placed in the area prior to the injunction order but they were made operational after the injunction order was granted. This is disputed by the learned counsel appearing for the respondents.

7. Without getting into any controversy raised by the parties, it is agreed that, for the moment, the gated portion shall remain under the lock and key of the petitioner. However, petitioner shall provide access to respondent No.1, if so demanded, for the purposes of servicing/repair/replacement of the air conditioners subject to a 24 hour notice being given to the petitioner. However, access would be provided in case of an emergency even without notice.

8. It is clarified that this arrangement is without prejudice to the rights and contentions of the parties and is also subject to further

orders that may be passed by the Trial Court on any pending application or any further application to be filed by the petitioner or respondents and shall also be subject to the final outcome of the suit.

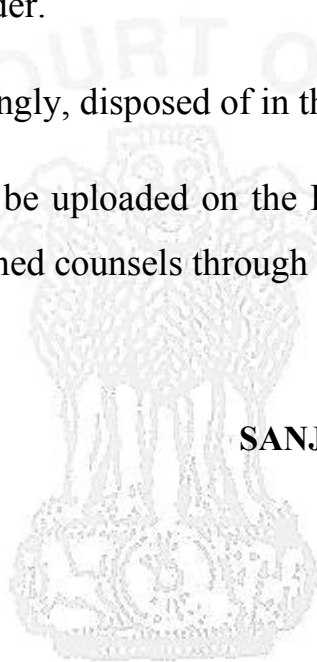
9. Trial Court is further at liberty to pass any appropriate order in the facts and circumstances of the case without being influenced by anything stated in this order.

10. Petition is, accordingly, disposed of in the above terms.

11. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email.

JULY 17, 2020
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SANJEEV SACHDEVA, J



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