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

+ **FAO(OS) 39/2024 & CM APPL. 18474/2024, CM APPL. 18475/2024**

SANGEETA GROVER

..... Appellant

Through: Mr. Aman Nandrajog with Mr. Tanveer Singh, Advs.

versus

RENU CAPRIHAN & ANR.

..... Respondent

Through: Mr. Mandeep Singh Vinaik, Ms. Anjali Sharma, Mr. S.K. Sagar, Ms. Ragini Vinaik, Ms. Kanishka Sharma, Ms. Thanglunkim and Mr. Gaikhaunlung, Advs.
Mr. Sandeep Vashisht, ASC, Civil, GNCTD with Mr. Aman Singh, Advs.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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27.03.2024

1. Present appeal has been filed by the appellant/ defendant challenging the order dated 11th March, 2024, passed by the learned Single Judge of this Court in CS (OS) 709/2023 whereby the parties were directed to install a common lock on the rear courtyard so that both the parties could access the underground water tank.



2. Learned counsel for the appellant states that the impugned order is primarily based on the Local Commissioner's report dated 30th January, 2024. He further states that the Commission was executed on 21st January, 2024 and the hearing before the learned Single Judge took place on 11th March, 2024 i.e. after nearly two months. He contends that by the time the matter was heard the circumstances had drastically changed. He states that the appellant is now in exclusive possession of the ground floor and basement.

3. He further states that the appellant/defendant is willing to grant access to the plaintiff to the underground water tank housed in the rear courtyard at any time of the day and that too at the pain of contempt.

4. Since the aforesaid undertaking was not made before the learned Single Judge, this Court disposes of the present appeal by giving liberty to the appellant to move an application for variation/ modification of the impugned order dated 11th March, 2024.

5. This Court clarifies that it has not commented on the merits of the offer/ undertaking given by learned counsel for the appellant/ defendant. The rights and contentions of both the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 27, 2024

N.Khanna