

Monika Sharma Vs P.C Jain & Ors.

15.06.2020

Present: Sh. Murari Tiwari, Ld. Counsel for the plaintiff alongwith plaintiff.

Present matter is a fresh case wherein the hearing has been conducted today in respect of the urgent application through video conference.

The material, available on the official email of the present Court is being gone through in advance.

It is orally submitted by Ld. Counsel for the plaintiff that plaintiff is the lawful owner in possession of the property bearing no. 59-A, IA Block, Phase- I, Ashok Vihar, Delhi-52. It is alleged that defendant no. 1 who is residing in 60-A, IA Block, Phase- I, Ashok Vihar, Delhi-52 is carrying out illegal construction in the shaft of the building with the motive to convert the same into a room without taking the requisite permission from the competent authorities and the alleged construction is causing blockage of the windows of the plaintiff and ventilation of the bathroom- toilet of the plaintiff's house.

It is also stated that the concerned authorities i.e., defendant nos. 2 & 3 are also informed about the illegal activities of defendant no. 1.

It is further argued by the Ld. Counsel for the plaintiff that the alleged illegal construction is liable to be stopped immediately and accordingly plaintiff is seeking an ad-interim order against defendant no. 1.

Considering the submissions made by the Ld. Counsel for plaintiff, an ad-interim order is hereby passed in favour of the plaintiff and defendant no. 1 is restrained from raising further construction in the disputed shaft area in front of or adjacent to the bathroom window of the property of the plaintiff i.e., 59-A, IA Block, Phase- I, Ashok Vihar, Delhi-52 till the next date of hearing.

It is hereby clarified that the present order shall be effective only after compliance of the provisions of Order 39 rule 3 CPC which can be done through whatsapp or email as well.

Plaintiff is also directed to serve the defendant no. 1 with a copy of plaint alongwith all the annexures/ photographs etc. through the electronic modes of service.

The matter is ordered to be placed before the designated court of MCD i.e. the Court of Ld. ASCJ for consideration on 02.07.2020.

Incharge, Computer Branch is directed to upload this ordersheet on the official website.

Niyay Bindu
Senior Civil Judge/ Rent Controller
North West District
Rohini Courts, Delhi