

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL  
JUDGE, DELHI (WEST)-02**

**SUIT NO.27/2020**

Hans Raj Yadav

Plaintiff

Versus

Delhi Development Authority

Defendant

**THROUGH CISCO WEBEX VIDEO CONFERENCING**

Date:01/07/2020 (2.33 P.M to 2.47 P.M)

**Present:-** Sh. Iqbal Singh, Ld. Counsel for plaintiff. (Mobile No.8586925160) (E-mail ID of Sh. Iqbal Singh: [advocateiqbal93@gmail.com](mailto:advocateiqbal93@gmail.com))

Sh. Vivek Kumar Yadav, Ld. Counsel for the defendant/DDA. (Mobile No.9999306804) (E-mail ID of Sh. Vivek Kumar Yadav: [viveky1307@gmail.com](mailto:viveky1307@gmail.com)) alongwith Sh. Siddhant Kashyap, Executive Engineer, WD-7, DDA. (Mobile No.9958852246)

1. Arguments were heard on the urgent interim application u/s 151 CPC filed by the Ld. Counsel for the plaintiff electronically on 12/06/2020. It is stated by the plaintiff that vide order dt.07/02/2020 this court had directed the concerned SDM, Tehsil Punjabi Bagh, Revenue District West to conduct the demarcation over the suit property by TSM method and for this purpose the Tehsildar was

appointed as the Local Commissioner to conduct the demarcation proceedings and take photographs. He further stated that even before the demarcation proceedings could be conducted, defendant/DDA has started to take over the possession of the suit property by stacking up building material at the disputed site and raising a boundary wall. The photographs of the site showing the boundary wall has already been placed on record electronically by the plaintiff.

2. In these circumstances, Ld. Counsel for the plaintiff prayed that the defendant/DDA be restrained from taking over the possession of the suit site without following due process of law and the defendant be restrained from raising any construction at the suit property i.e. plot comprising of 262 sq. yds., WZ-125, Village Jwalaheri, Paschim Vihar, New Delhi – 110063 as shown in red colour in the site plan filed alongwith the plaint. The identification of the property in the site plan is not difficult as the property is facing an MCD Primary School and is also adjacent to Doon Public School.

3. On the other hand, Sh. Siddhant Kashyap, Executive Engineer on behalf of defendant/DDA stated that DDA had tried to construct the boundary wall in order to protect the property from encroachment as the property is stated to be a DDA land. He further stated that he was not aware about the contents of the order dt.07/02/2020 whereby this court had directed demarcation to be conducted at the suit site.

4. In the considered opinion of this court, DDA shall not try to take over the possession of the suit site unless the demarcation

proceedings are completed in the present case as has been already directed. The entire controversy in the case pertains to whether the property lies in Khasra No. 20/14/1 as contended by the plaintiff or 20/14/2 as contended by the Defendant. It is admitted that the demarcation proceedings shall begin on 6.07.2020 as notice has been received by the concerned SDM. In these circumstances, the urgent interim application filed electronically by the counsel for the plaintiff is allowed and the defendant/DDA is restrained from carrying on any construction at the site or dispossessing the plaintiff from the suit site till the demarcation process is completed as per the order dt.07/02/2020. The application is hereby disposed off.

Further, the application filed on 11/03/2020 filed by the plaintiff seeking the same reliefs is also disposed off as it has become infructuous in view of today's order. Both the applications are disposed off in terms of the aforesaid observations.

Now, put up for further proceedings on the date already fixed i.e. 28/08/2020.

A copy of this order be sent to the Ld. Counsel for plaintiff and defendant and also to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

BHARAT  
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Bharat Aggarwal

C.J-02, West, THC, Delhi

dt.01/07/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL  
JUDGE, DELHI (WEST)-02**

**SUIT NO.27/2020**

Hans Raj Yadav

Plaintiff

Versus

Delhi Development Authority

Defendant

**THROUGH CISCO WEBEX VIDEO CONFERENCING**

Date:29/06/2020 (2.00 P.M to 2.10 P.M)

Present:- None for the plaintiff.

Sh. Vivek Kumar Yadav, Ld. Counsel for the defendant/DDA. (Mobile No.9999306804)

(E-mail ID of Sh. Vivek Kumar Yadav: [vivek1307@gmail.com](mailto:vivek1307@gmail.com))

Sh. Siddhant Kashyap, Executive Engineer, WD-7, DDA. (Mobile No.9958852246)

Today matter was listed for arguments on the interim injunction application. Ld. Counsel for the plaintiff was informed in advance vide e-mail about joining the today's proceedings alongwith the meeting ID i.e. "1567790572" for hearing through Cisco Webex Application. The said email was also acknowledged by the Ld. Counsel for the plaintiff. It is appropriate that we wait for few minutes for the Ld. Counsel for the plaintiff. Put up at 2.15PM.

Bharat Aggarwal

C.J-02, West, THC, Delhi, dt.29/06/2020

**Second call (2.15 P.M to 2.25 P.M)**

Present:- None for the plaintiff.

Sh. Vivek Kumar Yadav, Ld. Counsel for the defendant/DDA. (Mobile No.9999306804)

(E-mail ID of Sh. Vivek Kumar Yadav: [vivek1307@gmail.com](mailto:vivek1307@gmail.com))

Sh. Siddhant Kashyap, Executive Engineer, WD-7, DDA. (Mobile No.9958852246)

Ld. Counsel for the Plaintiff has yet not joined the proceedings. Despite several calls made by the stenographer of this court to the counsel for the plaintiff Sh. Iqbal Singh, his number was not accessible as it was out of coverage. Therefore, no effective proceedings could be conducted today. The matter is simply adjourned for the same purpose for 01/07/2020 through video conferencing at 2.30 P.M.

The concerned engineer is directed to remain present on the next date of hearing also.

A copy of this order be sent to the Ld. Counsel for plaintiff and defendant and also to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

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**Bharat Aggarwal**

C.J-02, West, THC, Delhi

dt.29/06/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL  
JUDGE, DELHI (WEST)-02**

**SUIT NO.           /2020**

Sh. Rajat Saini

Plaintiff

Versus

1. Ms. Mamta Sharma
2. Mr. Suresh Sharma
3. North Delhi Municipal Corporation

Defendants

**THROUGH CISCO WEBEX VIDEO CONFERENCING**

Date:01/07/2020 (2.00 P.M to 2.26 P.M)

Present:- Sh. Hitesh Mehra, Ld. Counsel for the plaintiff. (Mobile No.8447784898), (E-mail ID of Sh. Hitesh Mehra: [legalsolutionwork.hm739@gmail.com](mailto:legalsolutionwork.hm739@gmail.com))

As per the report of the Assistant Ahlmad of this court, the service has been effected through Whatsapp upon defendant no.1 & 2. However, none has appeared for the Defendant no.1 & 2.

Perusal of the plaint does not reveal locus standi of the plaintiff in the present case. At this stage, Ld. Counsel for the plaintiff again seeks to amend the plaint and file an appropriate application u/o

VI R.17 CPC seeking amendment of the plaint alongwith the fresh amended plaint.


Ld. Counsel for the plaintiff also seeks some time to effect service upon defendant no.3/North Delhi Municipal Corporation. Let the service be effected and an affidavit of service be filed before the next date of hearing. Let a copy of this order be shared with Ld. Counsel for the plaintiff as well as with the defendant no.1 & 2 through Whatsapp on the mobile number shared i.e. (9212184129).

The defendants no.1 & 2 can join the proceedings on the next date of hearing through video conferencing and for that purpose it is stated that the official e-mail address of this court is ([readercj02west@gmail.com](mailto:readercj02west@gmail.com)) and the mobile number of the Reader of this court Sh. Jagdeep Saxena is (9871749675).

Now, put up for further proceedings on 27/07/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

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Bharat Aggarwal

C.J-02, West, THC, Delhi

dt.01/07/2020