

§-26

\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CS(OS) 402/2023  
SUDHA AHUJA

..... Plaintiff

Through: Mr. Rajeev Virmani, Sr. Adv., Mr. Sandeep Kapur, Ms. Manmeet Kaur, Mr. Gurtej Pal Singh, Ms. Suditi Batra, Ms. Deveshi Madan and Ms. Gunjan Soni, Ms Gaurangi Khanna, Advs.

Versus

EMPIRE ESTATE RESIDENTS WELFARE SOCIETY & ORS.

..... Defendant

Through: Mr. Sunil Dalal, Sr. Adv. with Mr. Vineet Kumar, Mr. Gitesh Chopra, Ms Harshita Gulati, Mr. Deepak Kumar Singh, Ms. Manisha Saroha, Mr. Nikhil Beniwal, Mr. Mahabir Singh and Mr. Navish Bhati, Advs. for D-1 to D-4.  
Mr. Gaurav Mitra, Adv. for D-2  
Ms. Mehak Nakra, ASC, Civil, GNCTD with Mr. Abhishek Khari, Advs. for D-5 to D-7.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

**06.07.2023**

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**I.A. 12006/2023 (Exemption)**

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

**CS(OS) 402/2023 & I.A. 12007/2023 -Ex. (C. fee) & I.A. 12004/2023 -S**

*Rekha Palli*  
06-07-23  
**Court Master**  
**High Court of Delhi**  
**New Delhi**

**-80(2) CPC & I.A. 12005/2023 -Int. relief**

3. The present suit has been preferred by a resident of Villa E, Empire Estate, M.G. Road, Sultanpur, New Delhi-110030 seeking the following reliefs:

*" i) Pass a decree in the nature of permanent injunction in favour of the Plaintiff and against the Defendant No. 1, its members including Defendant No. 2, 3 and 4, its servants and its agents from causing any hindrance or obstruction in the ingress to and egress from the plaintiff's resident at Villa E, Empire Estate, MG Road Sultanpur, New Delhi, Delhi-110030, either on 07.07.2023 or any other date; and  
ii) Pass a decree in favour of the Plaintiffs and against the Defendant No.1, declaring the Minutes of Meeting dated 11.06.2023, Letter dated 18.06.2023 and Minutes of Meeting dated 02.07.2023 to be illegal, null and void and of no effect; and  
iii) Award costs of suit in favour of the Plaintiff and against the Defendants."*

4. The plaintiff has also preferred an application seeking *ad-interim* directions restraining the defendants from stopping the visitors coming to her residence on 07.07.2023 and on every Monday as has been the practice in the past.
5. Learned senior counsel for defendant nos. 1 to 4 who appears on advance notice, vehemently contends that the suit itself is not maintainable. He further submits that the colony where the plaintiff resides is a gated colony and permitting this huge number of devotees to her residence is a security hazard for all other residents of the colony.

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06-07-23  
Court Master  
High Court of Delhi  
New Delhi

6. Taking into account that it is already 06.07.2023 today, it has been put to the learned senior counsel for the parties as to whether the plaintiff can as proposed by her in her communication to the Society dated 03.07.2023 (document no. 15 in the list of documents) by way of an interim arrangement, be permitted to have 500 visitors to her residence in a staggered manner on 07.07.2023.
7. After some arguments, learned senior counsel for defendant nos. 1 to 4 submits on instructions that, without prejudice to his submission that the suit itself is not maintainable, taking into account the short time now available, the defendants would have no objection if the plaintiff is permitted to allow up to 500 guests/visitors to come to her residence on 07.07.2023 between 10 am to 9 pm in a staggered manner and subject to conditions mentioned in her communication dated 03.07.2023. He, however, submits that there should be a capping on the number of people present at her residence at any given point of time. Furthermore, the entry of these guests should be subject to the production of photo identity cards which should be shown to the Guard on duty at the gate of the Society at the time of their entry in the colony.
8. This suggestion is acceptable to the learned senior counsel for the plaintiff who submits that the plaintiff will by 7 pm today itself share with the local police the list of the 500 guests, who will visit her residence on 07.07.2023. She will have no objection to the guests being allowed to enter the colony/society only subject to the production of their photo identity cards which will be shown to the guard on duty at the gate of the society. He further assures the Court

*Wd + Sharan*  
06-07-23  
Court Master  
High Court of Delhi  
New Delhi

that the plaintiff will not allow more than 150 people to congregate at her residence at any given point of time and will abide by the conditions in her communication dated 03.07.2023.

9. In the light of this stand taken by the parties, hearing is being deferred by directing that the parties will remain bound by the aforesaid interim arrangement. The parties further agree that till the next date, as proposed by the plaintiff, up to 100 guests on due production of their photo identity card, will be permitted to visit her residence on every Monday.
10. List on 02.08.2023.
11. A copy of this order be given dasti to the parties under the signatures of the Court Master.

**JULY 6, 2023**

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**REKHA PALLI, J**

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06-07-23  
Court Master  
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New Delhi