

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 1250 OF 2020  
[SPECIAL LEAVE PETITION (C) NO. 29028 OF 2019]

M/S SOMAYA HOMES (P) LTD.

Appellant(s)

VERSUS

SANTOSH MANGLA

Respondent(s)

O R D E R

Heard the learned counsel appearing for the parties at length.

Leave granted.

The area in question has been leased out to the respondent. Certain proceedings are pending for eviction. A suit was filed by the plaintiff-appellant for injunction, directing the respondent not to stop him from using the area in question for the purpose of passage and to take out the construction material. The trial court granted temporary injunction. The interim injunction prayed for by the defendants that the passage should not be used for the purpose of taking the building material was declined. However, by way of a misc. appeal being preferred, being CNR No. HRGR80-I/004676 of 2019 (CMA/64/2019), the Additional District Judge has set aside the order passed by the trial court on the ground that complications may be created in case the plaintiff includes the area in question as right of way available to the persons who ultimately purchase

the flat. The order has been affirmed by the High Court. Hence the present appeal has been preferred.

After hearing the learned counsel for the parties at length, we consider it appropriate as the area in question has been leased out to the plaintiff to permit him to use the same in the manner he so desires, but exclusively for himself not to permit to anyone else to use the area for ingress and egress the plaintiff shall not create any right in favour of the purchaser of any flat, which are being constructed on the adjacent land. No right shall be created by the plaintiff in any manner in favour of any other person and it will be used as a leased land exclusively for the plaintiff. He shall not create any kind of right in favour of any other person on the leased area and shall not merge it with any other adjacent land.

With the aforesaid modification of the order(s) passed by the courts below, the appeal is disposed of.

.....J.  
[ ARUN MISHRA ]

.....J.  
[ INDIRA BANEREJEE ]

New Delhi;  
FEBRUARY 07, 2020.

ITEM NO.9

COURT NO.3

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 29028 of 2019  
(Against the impugned final order dated 09.07.2019 passed by the  
High Court of Punjab and Haryana at Chandigarh in Civil Revision  
No. 4102 of 2019)

M/S SOMAYA HOMES (P) LTD.

Appellant(s)

VERSUS

SANTOSH MANGLA

Respondent(s)

(FOR ADMISSION and I.R. and IA No.177907/2019-EXEMPTION FROM FILING  
C/C OF THE IMPUGNED JUDGMENT)

(IA No. 177907/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)

Date : 07-02-2020 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Appellant(s) Mr. Huzefa Ahmedi, Sr. Adv.  
Mr. Saket Sikri, Adv.  
Ms. Jasmine Damkewala, AOR  
Mr. Gandharv Anand, Adv.  
Ms. Vaishali Sharma, Adv.

For Respondent(s) Mr. Neeraj Jain, Sr. Adv.  
Mr. Pavan Malik, Adv.  
Ms. Vibhuti Sushant Gupta, Adv.  
Mr. Ram Naresh Yadav, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed  
of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(JAGDISH CHANDER)  
BRANCH OFFICER

(Signed order is placed on the file)