

IN THE COURT OF
DISTRICT JUDGE-III, DISTRICT NORTH WEST DELHI
Presided Over by Sh. Vikram (Link Judge)

RCA DJ 34/2026

In the matter of :

*Rashmi Sethi
D/o Late Mr. Girdhari Lal Sabharwal
R/o B-333, 2nd Floor, Lok Vihar,
Pitampura, Delhi-110034.*

.....Appellant

Vs.

1. *Delhi Jal Board
Through Zonal Revenue Officer (NW)-III
Delhi Jal Board, Delhi Sarkar,
Kanhiya Nagar Metro Station,
Delhi-110035.*

.....Respondent no. 1

2. *Renu Katyal
W/o Mr. Sandeep Katyal
R/o B-333, Ground Floor,
Lok Vihar, Pitampura,
Delhi.*

.....Respondent no. 2

3. *Sanjay Khanna
S/o Late Mr. Chaman Lal Khanna
R/o B-333, 1st Floor, Lok Vihar,
Pitampura, Delhi.*

.....Respondent no. 3



*Appearance (s) : Ms. Manshi Bhushan, Id. Legal Aid Counsel
for appellant
Sh. Sandeep Rana, ASO, on behalf of R1*

JUDGMENT

1. Present appeal under Or. XLIII Rule 1 (r) CPC is filed against order dated 13.03.2026, passed by Ld. Civil Judge North West, in CS No. 52/25, dismissing an application under Or. XXXIX Rule 1 and 2 CPC, filed by the appellant/Plaintiff.

2. Brief facts, necessary for disposal of appeal, are that plaintiff filed the suit praying decree of mandatory injunction directing the defendant no.1 to install new water connection at second floor of property bearing no. B-333 Lok Vihar Pitampura Delhi, of permanent injunction restraining D1 from transferring the ownership of water connection in the first floor of said property in the name of D3 and D4 and permanent injunction restraining D2 to D4 from creating any obstruction and hindrance in the installation of new water connection in second floor of said property.

3. It is the case of plaintiff that the plaintiff, D2 and D3 are the daughters of late Sh. Girdhari Lal who is the owner of the property. As per plaint Late Sh. Girdhari Lal left behind his last registered will dated 26.07.2017 whereby he bequeathed the entire ground floor to D2, entire first floor to plaintiff and second floor, jointly, to plaintiff and D2. As per the will D3 was not given any right in the property.

4. As per plaintiff the first floor is in the illegal possession of



D3 and D4 and the plaintiff, despite being owner of first floor, is forced to live in one small one room set at the second floor. There are multiple litigations going on between the parties.

5. It is stated that there is no separate water connection installed at second floor and earlier it used get water from the line of first floor. However, D3 have been using her tricks to deny the water to plaintiff. Therefore, D3 has disconnected the water supply of second floor of which plaintiff had made complaints. However, to avoid daily quarrel plaintiff applied before D1 for fresh water connection at second floor. Plaintiff filed the application on 28.04.2024 vide ARN no. 935503567764. However, vide letter dated 10.05.2024 D1 demanded the plaintiff to submit NOC from D2 because as per will the second floor is jointly in the name of plaintiff and D2. Plaintiff filed another application on 14.05.2024 explaining the entire situation and her inability to get NOC from D2 as she has refused to give NOC. D1 appears to have not given any heed. Therefore, the plaintiff filed the suit.

6. Along with the plaintiff the plaintiff has filed all the documents of suit property, all her complaints and letters and the photographs to show that she is living on portable water cans purchased form market.

7. In application under Or. XXXIX Rule 1 and 2 CPC the plaintiff had prayed for temporary injunction directing D3 and D4 to restore water supply at second floor of the suit property till



the disposal of suit and to restrain D1 from transferring the ownership of water connection or change the name of water meter of first floor in the name of D3 and D4.

8. Before Ld. Trial Court, D1 and D2 filed their reply and as against D3 suit got abated due to her death. D4 is the husband of D3 and his defence was struck off for not filing any reply. D1 also filed reply to application under Or. XXXIX Rule I and 2 CPC. D2 opted not to contest the application.

9. In WS D1 contested the suit on its maintainability on the ground that plaintiff has not fulfilled the codal formalities required for sanctioning new water connection at the suit property. It is claimed that as per Circular No. DJB/DOR/NWC/2019/9303 to 9443 dated 05.09.2019 plaintiff has not fulfilled the required formalities as she failed to submit the NOC of the co owner of the premises. It is further claimed that the suit filed by plaintiff is liable to be dismissed for not revealing the legal facts relating to previous suit decided vide order dated 16.03.2024. The reply to application under Or. XXXIX Rule 1 and 2 CPC is on same line.

10. In her WS, D2 admits the position of parties in the suit property and the will of their father. She also admits that D4 is living in the first floor (D3 have already expired) and plaintiff is living on second floor. D2 however, disputes that there is no water connection on second floor and states that DJB meter bearing K no. 2713970000 is installed for second floor and there



is outstanding due exceeding Rs. 30000/-. D2 claims her inclusion in the suit as abuse of process as there is no cause of action against her.

11. Ld. trial Court Vide order dated 17.03.2026 dismissed the application holding that perusal of plaint, Order dated 16.03.2024 and the documents annexed to, do not disclose a prima facie case in favour of plaintiff.

12. The order dated 16.03.2024 of Ld. ACJ/ARC North West Rohini in CS SCJ 574/22 shows that the plaint of the plaintiff was rejected under Or. VII Rule 11(a) CPC for absence of cause of action. Perusal of order reveals that in that suit also the same plaintiff had sought directions against Delhi Jal Board for installing water connection and there also the plaintiff had failed to produce the NOC of D2. It was therefore held by Ld. ARC that in absence of compliance of necessary formalities plaintiff has no cause of action seeking mandatory injunction.

13. Perusal of TCR shows that the plaintiff has mentioned about the rejection of previous suit in para 20 of the plaint and it is specifically mentioned in para 20 itself that D1's refusal to act without NOC from D2 has resulted in continuing injury to plaintiff by depriving the plaintiff from water on daily basis. Therefore, in para 22 it is claimed that for continuing wrong the cause of action is continuous.

14. In the appeal it is submitted on behalf of plaintiff that Ld.



Trial Courts order is liable to be set aside on following grounds:

a) that Ld. Trial Court erred in holding that there is no prima facie case despite that fact that it is shown on record that plaintiff is denied basic right of water in her own property.

b) that Ld. Trial Court failed to consider the fact that appellant is the owner of the property yet she has been denied her lawful entitlement by RT3 and R4 by illegally disconnecting water supply.

c) that Ld. Trial Court failed to considered that plaintiff is suffering irreparable injury by allowing to continue the denial of basic human right of the plaintiff.

d) that Ld. Trial Court placed improper reliance on rejection of earlier plaint without examining the distinction in relief and circumstances of earlier suit.

15. Except R1/D1 no other respondents have appeared on notice of appeal.

16. On behalf of R1/D1 Sh. Sandeep Rana ASO from Delhi Jal Board has appeared and filed the submissions that property is jointly owned by three sisters and having separate and identifiable portions/floors in the building and there are already three connections in the building. It is stated that R1 has no role in disconnection of water supply to the second floor as it is a dispute between sisters, however, the plaintiff cannot be given new connection because she failed to produce requisite documents necessary to comply the formalities prescribed under DJB rules. Sh. Sandeep Rana also filed the copies of bills of



three meters in the building and Rule 3 Delhi Water & Sewer (Tariff and Metering) Regulations, 2012 and placed reliance on Rule 3(g) which specifies that individual water connection will be sanctioned for a single dwelling Unit/floor subject to maximum of a six in a property. It is therefore submitted on behalf of R1/D1 that since there are already three connections in the building for each dwelling Unit petitioner cannot get new connection. Besides that for second floor, since petitioner is joint owner with R2/D2, she must furnish the NOC.

17. In arguments, it is submitted on behalf of appellant/plaintiff that Ld. Trial Court gave over emphasis to the order dated 16.03.2024 of Ld. ARC in holding that there is no prima facie case. It is submitted that since R3 and R4 have continued in their wrong by disrupting the water supply of plaintiff cause of action is continuous and when the cause of action is continuous mere rejection of previous suit which was not decided on merits does not bar the subsequent suit. In support Ld. Counsel has placed reliance on Prem Kishore & Ors Vs Brahm Prakash & Ors 2023 INSC 317 and Faqir Chand Vs Laila Ram AIR 1994 Delhi 161.

18. It is further submitted on behalf of appellant the insistence of filing NOC from co-owner, when the co-woner is refusing to give the NOC is also deprecated by Hon'ble High Court in Manoj Kumar Vs Delhi Jal Borad and Ors 2022:DHC:2721 and Geeta Kumar Vs Delhi Jal Board 2014:DHC:5739-DB.



19. To the limitation of number of connections in the floor it is submitted that none of the bills produced by R1 are of second floor and the limit of one connection per floor/dwelling Unit was explained in circular dated 28.10.2013.

20. The impugned order passed by Ld. Trial court reveals that after discussing the factual position of parties and the legal parameters of passing interim injunction i.e prima facie case, balance of convenience and threat of irreparable injury, dismissed the application holding that there is no prima facie case. Ld. Trial Court appears to have carried away by order dated 16.03.2024 (wrongly written as 16.04.2024) passed by Ld ARC. Therefore, not only Ld. Trial Court has dismissed the application but has listed the suit for arguments on maintainability.

21. In terms of section 13 read with section 21 of Delhi Water Board Act. The appellant is entitled to adequate water supply. As long as the water supply is denied to the appellant she has a continuing cause of action. Although the appellant could have challenged the rejection of plaint vide order dated 16.03.2024, there was no bar on the appellant for applying for water connection again. The appellant had applied for fresh water connection after order dated 16.03.2024. Therefore, the present suit was, apparently, on the same ground but on cause of action which continued after 16.03.2024.

22. The other observation of order dated 16.03.2024, which appears to have influenced the impugned order, is the non



compliance of submitting the requisite document along with the application. That documents was the NOC from D2 as she is co owner of second floor. It was unfortunate that before Ld. ARC plaintiff failed to put her case properly, otherwise, Ld. ARC would have taken note of the observation of Hon'ble High Court in Geeta Kumar (Supra) wherein it was observed:

"7. It is quite distressing and disgusting as well to find that these public bodies like Delhi Jal Board instead of extending a helping hand, create all sorts of bottle necks to resolve the problem of the citizen. This appears to be one such case where a widow has been struggling and what she is wanting is an independent water connection which is her fundamental and statutory right..."

23. It was further observed in para 9 that:

"9. Under section 13(2) of Delhi Water Board Act, 1998, the requirement is that where it appears to the board that any premises in Delhi are without supply of water for domestic purpose or that the existing supply of water for domestic purposes available for the persons usually occupying or employed in such such premises, is inadequate or objectionable for the reasons of health and sanitation, the board may by notice in writing, require the owner of premises or the person primarily liable to payment of property taxes in respect of them to take a water connection for the persons occupied or employed in the premises in question. Here also, had the respondent been not satisfied with the documentary evidence placed on record, or with regard to inadequacy of water supply to the second floor of the premises, it was for them to have visited the site to verify the fact as to whether adequate water supply is available to the appellant/petitioner at the second floor premises or not. It is settled legal position that regulations cannot override the statutory provisions of the substantive Act and therefore the respondent cannot take shelter under Delhi Water & Sewer (Tariff and Metering) Regulations, 2012 to deny independent water connection to the petitioner. This is despite the fact that said regulations deal with the tenants and not with an occupier and in the present case....."

24. Section 80 (b) of Delhi Water Board Act 1998 prohibits any person from willfully or negligently, break, injure or temper



in any manner with any installation, pipe drain fitting or apparatus belonging to the board. Similarly section 80 (c) of the Act prohibits any person from willfully or negligently obstruct or hinder the flow of or flush, draw off or divert the flow of water or of sewerage in any water course, pipe drain or sewer. Such violations are punishable under section 91 of the Act.

25. The plaint shows that she was having water supply from 1st floor which was allegedly disconnected by D3 and D4 and despite applying for new water connection in the second floor D1 has denied the same. Therefore, it is not only a case where constitutional and statutory right of plaintiff is being denied but an offence under the act is being allowed to be continued.

26. Ld. Trial Court, therefore, erred in holding that there is no prima facie case. By not allowing the plaint of her right to water she is being force to suffer an irreparable loss which cannot be compensated. The balance of convenience, as she is the owner not only of the first floor but also co owner of second floor, is in favour of plaintiff. Hence the plaintiff meets all the parameters to allow the interim injunction.

27. D1 has, however, shown on record that there are three connections installed in the building. The bills produced by D1 show that Connections against K no. 1713970000 and 2713970000 in the name of Baldev Singh do not contain any specific floor number in the address. The connection vide K no. 1241997439 in the name of Sh. Girdhari Lal is issued against the



first floor. Therefore there are already three connections in the building.

28. During arguments Sh. Sandeep Rana submitted that he had visited the premises at second floor and verified that there are pipes installed in the second floor but there is no water supply and he could not access the rest of the building because D2 and D4 did not open the main gate and meters appears to have installed at ground floor.

29. The WS of D2 claims that connection vide meter no. 2713970000 was specifically for second floor and this connection which has a huge outstanding bill.

30. It is therefore apparent from the pleadings and other materials in the file that the water supply of plaintiff has been illegally obstructed.

31. The appeal is, therefore, allowed to the extent that D4 (as D3 has already expired) who is occupant of first floor is directed to immediately restore the water supply of the second floor from the connection through which second floor was getting water. However, the second prayer in the application i.e. to restrain D1 from transferring the water connection in favour of D3/D4, is concerned, as the issuance of water connection does not confer any right or title over the property, there is no need for any such interim direction.



32. Although, the relief is against D4 only, the DJB being the authority to regulate the supply of water connection and the only competent authority for prosecution of any offence committed under the Act, as it is apparent that offence under section 80(b) and (c) is being committed, is also directed to stop the offence being continued.

33. The impugned order is therefore set aside and the appeal is accordingly allowed.

34. A copy of Order be given Dasti to the appellant and D1/R1 and TCR be sent back alongwith copy of this order.

35. File be consigned to record room.

**ANNOUNCED IN THE OPEN COURT
ON 06th DAY OF APRIL, 2026**



VIKRAM

**LINK JUDGE/DISTRICT JUDGE-01 + MACT
NORTH WEST DISTRICT
ROHINI COURTS, DELHI**

अतिरिक्त न्यायाधीश 1+पीठासीन अधिकारी
उत्तर पश्चिम जिला न्यायालय (उ०प०)
District Judge 1+PO MACT
जिला उत्तर पश्चिम
North-West District
रोहिणी न्यायालय, दिल्ली
Rohini Courts, Delhi