

\$~15

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 143/2015**

BRIJ LAL & SONS

.....Appellants

Through: Mr. Vaibhav Mehra, *Amicus Curiae*

Versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Santosh Kumar Tripathi, Addl.
Standing Counsel with Mr. Rizwan
Ahmed, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
24.08.2016

%

Since Mr.R.P. Sharma, *Amicus Curiae Counsel* for appellants has not been appearing in this case for past two dates, therefore, he is discharged from this case.

Mr. Vaibhav Mehra, Advocate, present in the Court is appointed as *Amicus Curiae Counsel* to represent appellants in this appeal.

Appellants' suit for recovery of principal amount of Rupees Fourteen Thousand odd and with interest for Rupees Twenty Six Thousand odd stood dismissed by the trial court vide order of 10th May, 2007 holding that as per Section 52 (b) of the *Government of NCT Act, 1991*, it was obligatory on the part of the appellant to implead Government of India as a necessary party.

In the first appeal, appellants had not succeeded and their review application stood dismissed vide impugned order of 15th November, 2014 holding that the review is inordinately delayed by 474 days. The finding of the suit being barred by Section 52 (b) of *Government of NCT Act*, is sought to be assailed. However, at the hearing, it is candidly submitted by learned *Amicus Curiae Counsel* for appellants that the bar under Section 52(b) of the aforesaid Act quite clearly exists.

Upon hearing and on perusal of impugned order and material on record, I find that there is no substance in this appeal.

The appeal is accordingly dismissed.

(SUNIL GAUR)
JUDGE

AUGUST 24, 2016

r