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

+ W.P.(C) 1270/2016

R.D. MALIK

..... Petitioner

Through : Mr. Ashok Sapra and Ms. Sumita
Rani Sharma, Advs.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR

..... Respondents

Through :Mr. Ajjay Aroraa and Mr. Kapil
Dutta, Advs. for respondent no. 1
Mr. K. Sunil, Adv. for the applicant
Shri Sita Ram Sharma in CM Appl.
nos. 9583/2016 (Sec. 151 CPC) &
9584/2016 (exemption)

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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16.03.2016

WP (C) No.1270 /2016

By this writ petition under Article 226 of the Constitution of India, petitioner has prayed that respondents be directed to demolish the property bearing nos. T-1936/B-1 & T-1936A, Ashoka Pahari, Near Naaz Cinema, Upper Ridge Road, Karol Bagh, New Delhi – 110005. After hearing the parties, in my view, this writ petition is a gross abuse of process of law. It emerges that subject properties are involved in the cross suits bearing nos.

CS(OS) No. 25/2012 and CS(OS) No. 2951/2012 filed by the petitioner and one Shri Sita Ram Sharma. DDA and respondent no. 1 are parties in the said suits. CS(OS) No. 25/2012 has been filed by the petitioner; whereas CS(OS) No. 2951/2012 has been filed by Shri Sita Ram Sharma. Subject properties, that is, T-1936/B-1 & T-1936A, Ashoka Pahari, Near Naaz Cinema, Upper Ridge Road, Karol Bagh, New Delhi – 110005 are the bone of contentions in the said suits. It may be noted that injunction orders have already been passed in the suits against the demolition of the subject properties. The said suits have now been transferred to the District Judge (Central) and are pending before the Additional District Judge – 01 (Central), Tis Hazari Courts, Delhi. Accordingly, this writ petition, for demolition of the subject properties, cannot be entertained and is dismissed. However, it would be open for the parties to file appropriate applications in the said suits.

CM Appl. No.9583 /2016 (Section 151 CPC) & 9584/2016 (exemption)

Both the applications are disposed of as infructuous.

A.K. PATHAK, J.

MARCH 16, 2016

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