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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2530/2015**
MAJ GENERAL UGRASEN YADAV (RETD)

..... Petitioner

Through Counsel for petitioner (appearance
not given)
Mr.Anirudh Singh for Mr. Ujjwal Jha,
Adv. for applicant in C.M.
No.34822/2016.

versus

**SOUTH DELHI MUNICIPAL CORPORATION (THR ITS
COMMISSIONER & ANR**

..... Respondents

Through Counsel for North DMC (appearance
not given)

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% 21.09.2016

C.M. No.34822/2016 (for restoration of C.M. No.31076/2015)

Present application has been filed by one Mahesh Verma (stated to be a Director) seeking restoration of his earlier application (C.M. No.31076/2015) which had been dismissed in default as also for non-prosecution (on 06.9.2016) as none had appeared for the applicant. C.M. No.31076/2015 had been filed seeking a modification of the order dated 16.3.2015.

The applicant, at the cost of repetition, is Mahesh Verma. He states that he is director of a company namely M/s Signatures

Heritage and Infratech Private Ltd. The application seeking restoration of that application is silent on this aspect. Although in the initial application filed by the applicant he had described his status as a director of the said company. A query has been put to the learned counsel for petitioner as to how the right of the applicant is affected by the order which has been passed on 16.3.2015 as it is only in one line of the said order that the name of Mahesh Verma has been mentioned noting that the property in question be de-sealed for a limited purpose in order that the same could be inspected for the purposes of valuation; this was to conclude the negotiation for an amicable settlement between Mr.Mahesh Verma (who has filed criminal complaint against the petitioner) and the petitioner namely Major General Ugrasen Yadav. Learned counsel for petitioner on this score submits that there are certain arbitration proceedings going on inter se the petitioner (Major General Ugrasen Yadav) and Mr.Mahesh Verma and the property had already been inspected on 12.02.2015 and the order dated 16.3.2015 may not be read as an order directing re-valuation of the said property. The earlier valuation report purported to be dated 12.02.2015 is not on record. On a query put to the learned counsel for applicant on this score, he admits this factum.

This Court is of the view that the earlier application (C.M.31076/2015) was wholly misconceived. The order dated 16.3.2015 has only recorded a simplicitor submission noting the fact that the property is required to be de-sealed for the purposes of inspection and for the purposes of re-valuation. It did not create any

right inter se the parties. The present application seeking a restoration of the said application also being misconceived is dismissed with cost of Rs.10,000/-.

INDERMEET KAUR, J

SEPTEMBER 21, 2016

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