

\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RSA 129/2016 & C.M.Nos 17334-36/2016

RAM LAL CHAWLA Appellant
Through Mr.K.K.Sharma and Mr. S.Khan,
Advs.

versus

ASSISTANT ENGINEER (DIV - 10) & ORS Respondents
Through Mr.Pankaj K. Sinha with Mr.Kamlesh
Kr.Mishra, Advs. for R-1.
Mr.Sumeet Pushkarma with Mr.
Siddhartha Nagpal, Adv. for R-2.
Ms.Prabhsahay Kaur, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

%

01.09.2016

1. Counsel for the appellant/plaintiff argues that since the subject suit was filed without impleading private parties whose rights would be affected by removal of the sewer lines or storm water drain etc., this suit and appeal are not pressed but liberty be granted to the appellant/plaintiff to file a suit by adding the private persons whose rights will be affected by removal of the sewer lines or storm water drain etc.

2. It is noted that the impugned judgment dismisses the suit and the appeal on the ground that appellant/plaintiff himself admitted that there are no sewer lines or a storm water drain or any gali in the property of the appellant/plaintiff and with respect to which aspect counsel for the appellant says that there does not exist a gali in the

sense of any road/gali but there is definitely a private passage as also certain sewer lines and storm water drain in the property of appellant/plaintiff wrongly and illegally constructed by respondents for the benefit of private persons.

3. Without in any manner opining on merits with respect to whether there is entitlement or not of the appellant/plaintiff to get the storm water drain or sewer lines etc., removed and as stated in the plaint, the appeal and the suit are disposed of as not pressed and liberty granted to the appellant/plaintiff to file a comprehensive suit, of course in accordance with law, wherein all the private parties whose rights would be affected by the reliefs which would be claimed by the appellant/plaintiff be added besides the existing defendants of public authorities being Public Works Department, Delhi Jal Board and Municipal Corporation of Delhi.

4. The appeal and suit is accordingly disposed of as not pressed, but subject to the liberty to file a fresh suit as stated above.

VALMIKI J. MEHTA, J

SEPTEMBER 01, 2016

mr