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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5838/2014
SUJATA MALHOTRA Petitioner
Through None.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS.
..... Respondents
Through Mr.Mukesh Gupta, Standing Counsel
for SDMC.
Mr.Amit Singh, Advocate for R-3 to
R-5.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **30.01.2017**

C.M. no.3540/2017 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

C.M. No.3539/2017 (for direction)

By way of this application, the respondent nos.3 to 5 seek withdrawal of a sum of Rs.5 lacs which had admittedly been deposited by the petitioner and not by the applicants before this Court.

At the first call counsel for SDMC was not available. Counsel for the applicants made a submission which was to the effect that this money had been deposited by respondent nos.3 to 5 and as such they are entitled to be reimbursed. At the second call on a candid query put to the learned counsel for the applicants, on this score, as to when

he had deposited this amount; he has no answer; it is obviously for the reason that this money was never deposited by him. This has also nowhere been averred in the application filed by them. In para 8 of this application a submission has been made that the applicants are seeking disbursal of the amount in their favour as they are entitled to a pro-rata payment.

This Court notes that the petitioner before this Court had filed an application earlier seeking disbursal of this amount in their favour. That application had thereafter been dismissed in default.

The applicants had tried to mislead the Court in the first instance. On an explanation sought from the counsel for the applicants as to how he can claim this amount; he had no answer. This application appears to have been filed mischievously; it is dismissed with cost of Rs.10,000/-.

INDERMEET KAUR, J

JANUARY 30, 2017

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