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

+ CM(M) 638/2016

AJAY SAXENA

..... Petitioner

Through Mr.Shiv Charan Garg and Mr.Imran
Khan, Advocates.

versus

MAHINDER SINGH & ANR.

..... Respondents

Through None.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 11.07.2016

CM No.23867/2016 (exemption)

Exemption is allowed subject all just exceptions.

CM(M) 638/2016 & CM No.23866/2016 (directions)

Learned counsel appearing for the petitioner submits that the petitioner is the absolute owner of the property which is the subject matter of the present petition. He relies upon the judgment of the Supreme Court in the case of *M/s. Aliji Monoji & Co. vs. Lalji Mavji and Others, AIR 1997 SC 64* to contend that an owner of a property would be a necessary party in case, the occupant seeks to file a suit against the Municipal Corporation for any relief.

Learned counsel has also today filed in court a copy of the plaint filed by the respondents.

A perusal of the application under Order I Rule 10 CPC filed by the petitioner shows that in para 2 of the application, there is a categorical averment that the petitioner is the owner of the property which is the subject matter of the present petition. The reply of respondent No.1 to the said application shows that there is no proper denial of the title of the petitioner.

Accordingly, issue notice to the respondents through ordinary process, speed post and courier, returnable for 15.09.2016.

JAYANT NATH, J

JULY 11, 2016
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