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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7103/2010**
RAJPAL TRANSPORT COMPANY AND ANR

..... Petitioners

Through Mr.Harish Malhotra, Sr. Adv. with
Ms.Nandni Sahni, Advocate.

versus

MCD AND ORS

..... Respondents

Through Mr.Ajjay Arora and Mr. Kapil Dutta,
Advocate for R-1.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **22.08.2016**

In terms of the last order learned counsel for petitioner has obtained instructions from the petitioner.

Admittedly, disputed question of fact has arisen in this petition. Accordingly, this Court is of the view that this writ petition is not maintainable. However, at the request of learned counsel for the petitioner (not opposed by learned counsel for the respondent), the petitioner is granted permission to file a civil suit to get his grievance addressed and the respondent will not object qua the hurdle of limitation which would come in the way of the petitioner.

Status quo of the suit property will be maintained for the next four months and in this intervening period learned counsel for the petitioner assures that the petitioner will approach the Civil Court and

get his application under Order 39 Rules 1 and 2 CPC (to be accompanied with the suit) decided.

No further orders are called for.

Petition disposed of in the above terms.

INDERMEET KAUR, J

AUGUST 22, 2016

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