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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9541/2016 & C.M. Nos.38194/2016, 38195/2016 &
45997/2016

RAJEEV MARWAH

..... Petitioner

Through

Ms. Devika Bhagat for Dr. Sarabjit
Sharma, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR.

..... Respondents

Through

Mr.Mukesh Gupta, Adv for NDMC.
Mr.Shekhar Dasi, Adv for the
applicant.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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19.12.2016

At the first call, learned counsel for the petitioner had appeared. The parties had argued the matter. This Court was of the view that this is a private dispute; this appears to be a title dispute between the petitioner who is claiming his right and title over this property qua Ram Pher and R.K. Pathak who are also claiming title in this property. This Court has been informed that a RFA (against the suit for possession and title) is pending before the concerned Bench of this Court in which title of the parties i.e, whether the petitioner or Ram Pher/R.K. Pathak are the owners is to be decided.

Today an application under Order 1 Rule 10 of the CPC had been filed by B.L. Aggarwal and another who is seeking impleadment in the matter; his submission is that he had purchased this property from the erstwhile owner who is the son of Ram Pher/R.K. Pathak. This Court has already noted that an RFA qua this issue of title inter-

se the parties is pending before the concerned Court. The prayer made in this petition is that certain illegal and unauthorized construction has been carried out by respondent No. 2 who is stated to be the builder engaged by the applicant to carry out the construction in the aforementioned property. This Court notes the address of the property which is D-2/C, Lord Krishna Road, Adarsh Nagar Extension, Delhi.

This Court is of the view that since the inter-se personal dispute between the private parties is pending, this writ petition is not maintainable. The RFA Court has to decide the title of the parties.

Learned counsel for the petitioner had taken a pass-over at the first call to take instructions (after arguing the petition on its merits) as to whether the petition is to be withdrawn or not. At the second call, learned counsel for the petitioner has appeared. Her submission is that the matter should be adjourned. This Court is not inclined to adjourn the matter. Her further submission is that she was not able to address the Court correctly. This Court is still not in agreement with the submission of the learned counsel for the petitioner as the averments in the petition and the arguments advanced by the respondent are enough to disclose that this is in fact a private dispute inter-se the parties.

This petition is not maintainable. Dismissed.

INDERMEET KAUR, J

DECEMBER 19, 2016

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