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

+ **W.P.(C) 304/2017 & CMs No.1415-16/2017**

COL M L KAKTIKAR AND ANR Petitioners
Through : Mr. P. Banerjee, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL AND ORS..... Respondents
Through : Ms. Kanika Singh, Advocate for R-1.
Mr. Abhishek Chhabra, Advocate for R-2 & 3.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **13.01.2017**

1. The petitioners are aggrieved by the order dated 5.10.2016 passed by the learned Appellate Tribunal, MCD whereunder, an application preferred by them for seeking consolidation of Appeal No.307/12 filed by them with Appeals No.689/12 and 690/12, filed by the respondents No.2 and 3 in respect of a part of the ground floor, the first floor, second floor and the terrace above the second floor of premises bearing No.25, Aradhna Enclave, New Delhi, was dismissed.
2. By the said order, the request of the petitioners for consolidation of their appeal for purposes of hearing has been rejected on the ground that Appeals No.689/12 and 690/12 filed by the respondents No.2 and 3 are based on different orders passed by the respondent No.1/NDMC relating to specific portions of the subject premises and not the entire premises, whereas the appeal filed by the petitioners relates to a part of the ground floor.

3. On enquiry, counsels for the parties inform the Court that all the three appeals are ripe for final hearing.
4. Respondents No.2 and 3 had apparently filed impleadment applications in the appeal preferred by the petitioners whereafter, they have been duly impleaded therein and are duly represented before the Appellate Tribunal. Therefore, the stand of the respondents No.2 and 3 shall be available before the Appellate Tribunal at the time of arguments in the petitioners' appeal. It was for the petitioners to have taken similar steps for seeking impleadment in the appeals filed by the respondents No.2 and 3, if they were so aggrieved. However, they have elected not to do so till now.
5. Counsel for the petitioners states that he may be permitted to withdraw the present petition and take appropriate steps to seek impleadment of his clients in the pending appeals filed by the respondents No.2 and 3.
6. Leave, as prayed for, is granted. It is however clarified that this court has not expressed any opinion on the maintainability/or the merits of the said application as may be filed by the petitioners, which shall be considered and decided by the Appellate Tribunal in accordance with law. Further, filing of such an application by the petitioners shall not be a ground for seeking an adjournment in the appeal preferred by them, which is stated to be listed for arguments on 21.1.2017.
7. The petition is disposed of, along with the pending applications.

HIMA KOHLI, J

JANUARY 13, 2017

sk/ap