

\$~17

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

+ LPA 108/2017

REKHA

..... Appellant

Through: Mr. Rajeshwar Dagar with
Mr. Swastik Singh, Mr. Vikas Deep &
Mr. Himanshu Dagar, Advs.

Versus

SOUTH WEST MUNICIPAL & ORS

..... Respondents

Through: Ms. Shubhra Parashar, Addl. Standing
Counsel for SDMC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

%

10.02.2017

CM No.5561/2017 (exemption)& 5564/2017 (exemption)

Allowed, subject to all just exceptions.

LPA No.108/2017 & CM Nos.5562/2017 (stay) & 5563/2017 (delay)

This appeal is sought to be preferred against the order dated 10.10.2013 in W.P.(C) No.5954/2013 filed by the respondent No.4 herein together with an application to condone the delay of 1186 days in filing.

The appellant was not a party to the said writ petition. It is claimed that she purchased the property in question, which was the subject matter of W.P.(C) No.5954/2013, under a registered sale deed dated 22.02.2014 from one Radhey Shyam, who was also not a party to W.P.(C) No.5954/2013.

It is pleaded that the appellant has now come to know that the property in question has been booked for demolition by the respondent No.1/Corporation without issuing any notice to the appellant who is in rightful possession of the said property.

Heard the learned counsel for the appellant.

Having regard to the admitted fact that the appellant herein is stated to have purchased the property in question in the year 2014 after the disposal of W.P.(C) No.5954/2013, we are of the view that the alleged action of the respondent No.1/Corporation for demolition of the said property gives rise to a new cause of action and if aggrieved, the appellant has to work out the other remedies available under law for redressal of her grievance.

It is brought to our notice that the appellant in fact has already filed a writ petition challenging the impugned action of the Corporation and the same would be heard today by the Roster Bench in the afternoon session.

We are therefore not inclined to entertain this appeal.

Accordingly, the appeal is disposed of leaving it open to the appellant to urge all the grounds permissible under law in the writ petition that has already been filed.

Copy of the order be given dasti under the signatures of the Court Master.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

FEBRUARY 10, 2017/kks