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

+ **LPA 554/2016 & CM APPL. 37572-37573/2016**

VIJAY SHARMA

..... Appellant

Through Mr. Manish Sharma, Advocate with
Mr. Ninad Dogra and Mr. Mukesh
Sharma, Advocates

versus

NDMC & ORS

..... Respondents

Through Ms. Kanika Agnihotri, Advocate with
Mr. Preet Oberoi, Advocate for R-1
Mr. Nirvikar Verma, Advocate for
L&DO/UIO
Mr. Sanjeev Sagar, Advocate with
Ms. Mehak Tanwar, Advocate for R-3
& R-4
Mr. Vanshdeep Dalmia, Advocate for
R-11

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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25.09.2017

CM APPL. 37573/2016

1. For the reasons stated in the application, delay of 88 days in filing the present LPA is condoned.

Application is disposed of.

LPA 554/2016 & CM APPL. 37572/2016 (Stay)

2. We have heard counsel for the parties. In view of the

LPA 554/2016

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subsequent development i.e. the appellant filing a civil suit to agitate his civil rights, it would not be appropriate for this Court to entertain these proceedings. At the same time, the Court is conscious of the fact that the orders of the learned Single Judge dated 11.05.2016 as well as the subsequent orders (made in Review Petition on 08.08.2016 and further orders dated 22.04.2016 and 20.05.2016) might, to some extent, cause prejudice and the fact that the appellants are no longer in possession of the property, though it is asserted that they have been permitted to perform *pujas*, a fact strenuously denied by the respondents. This Court is of the opinion that if any observations have been made by the learned Single Judge which impinges or affects the rights of the parties, they shall not be treated as prejudiciously or conclusively in the pending civil proceedings.

3. Needless to add, all rights and contentions of the parties in the said civil proceedings are reserved.

4. The appeal and the pending application are disposed of in above terms.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

SEPTEMBER 25, 2017

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