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

+ C.R.P. 199/2017

NEW DELHI MUNICIPAL COUNCIL

..... Petitioner

Through: Mr. Sachin Mittal, Standing counsel
With Mr. S. Pal Singh, ASC for
NDMC

versus

SARVESH CHAND GUPTA & ANR

..... Respondents

Through: Mr. Tarun Aggarwal, Advocate for R-
1
Mr. Dhruv Grover, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **29.11.2017**

CM APPL.43544/2017

There is no merit in the application, the application is dismissed.

C.R.P. 199/2017 and CM APPL.32541/2017

1. Mr. Rakesh Chabbra, Deputy Director, New Delhi Municipal Corporation, present in Court along with his counsel, has handed over a cheque of Rs.40,000/- and cash amount of Rs.15,000/- to counsel for respondent No.1 towards the cost in terms of para 6 of the order dated 16th November, 2017. The delay of three days in payment of cost is condoned.
2. In view of the payment of cost by the petitioner to the respondent, the impugned order dated 29th May, 2017 is set aside and the Trial Court is directed to take amended written statement on record. The respondent shall

file the replication to the amended written statement before the Trial Court.

3. Learned counsel for the petitioner submits that the petitioner had handed over two cheques of Rs.7,500/- each to respondent Nos.1 and 2 and they be directed to return the same. Learned counsel for respondent Nos.1 and 2 submit that they have already returned the said cheques which is disputed by counsel for the petitioner. In that view of the matter, it would be appropriate for the petitioner to instruct their bank to stop the payment of both the cheques.

4. The petition and the pending application are disposed of in terms of the order dated 16th November, 2017.

5. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

NOVEMBER 29, 2017

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