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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9778/2017, C.M. No.39786/2017 & C.M. No.39787/2017

ASHOK KUMAR

..... Petitioner

Through Mr.Prashant Katara and Mr.Soin
Khan, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through Ms.Monik Trivedi, ASC with
Ms.Sriparna Dutta and Mr.Manmeet
Singh, Advocates for NDMC.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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22.11.2017

By way of this petition, petitioner is seeking an instalment of a permanent electric metre in a portion of his property i.e. shop bearing No.58, Sarojini Nagar Market, New Delhi. His submission is that in spite of his repeated requests made to the respondent/NDMC his prayer has not been answered.

On advance notice, learned counsel for respondent has put in appearance. Learned counsel appearing for respondent points out that there are disputes inter se the petitioner and the original owner of the said shop; original owner was one Atam Prakash who had allegedly sold this shop to one Brahm Prakash Sethi and the name of Brahm Prakash Sethi finds mention in the records of the NDMC. This

position is disputed by the petitioner. His submission is that Atam Prakash in the first instance had sold this shop to the petitioner.

Be that as it may, this Court notes that there are two suits pending inter se the petitioner and the NDMC and one suit filed by Braham Prakash Sethi in which the present petitioner is also a party. Noting that disputed questions of facts qua the purchase of the aforementioned shop are pending before the Competent Court, this Court is not in a position to answer any prayer made in the present petition. Petitioner has been advised to withdraw this petition.

Petitioner seeks permission of this Court to withdraw this petition. Permission is granted. He is granted liberty to move an appropriate application in the suit (Suit No.237/2017- suit for declaration and injunction filed by Ashok Kumar Vs. Atam Prakash and Ors.) pending before the Civil Judge, Saket Courts, New Delhi) seeking a prayer which is now made in the present petition which is the installation of an electricity meter. This Court has been informed that the NDMC is a party there. Submissions of the NDMC shall be considered and appropriate order in accordance with law will then be passed by the competent Court.

Petition dismissed as withdrawn.

INDERMEET KAUR, J

NOVEMBER 22, 2017

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