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

+ CM(M) 306/2015 & CM 6400/2015

BHUSHAN GUPTA Petitioner

Through: Petitioner in person.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Ms. Renu Gupta, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **08.02.2018**

The petitioner herein is one of the legal heirs of the original plaintiff Jagdish Rai Jain since deceased, in civil suit No. 332/08/06, brought against the respondent North Delhi Municipal Corporation, the second and third respondents herein being the other legal heirs. The petition was filed to bring a challenge to interim order dated 02.03.2015 of the Additional Senior Civil Judge in *seisin* of the case at the stage of recording of evidence.

The learned counsel for the first respondent points out that the civil suit from which the present proceedings arise has already been dismissed and the appeal (RCA No.96/2017) brought against the said order was also dismissed by the court of Additional District Judge on 23.01.2018. She placed on record a copy of the said order of the first appellate court.

In the above facts and circumstances, as per her submissions, the petition has become infructuous.

The matter was taken up in its turn in the morning but the petitioner sought deferment as his counsel was not immediately available. When it is taken up again at 3.30 P.M., the petitioner submits his counsel is not available. On being asked, he confirms the above submissions of the counsel for the respondent as to the result of the case and of the first appeal.

In the above facts and circumstances, the petition is rendered infructuous. The petition and the pending application are dismissed accordingly.

R.K.GAUBA, J

FEBRUARY 08, 2018
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