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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 826/2018 and CM Nos.29196-29197/2018, 29333/2018

VINOD KUMAR DHINGRA & ANR Petitioners

Through: Ms.Radhika, Advocate

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through: Mr.Akhil Mittal, Advocate for R-1

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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19.12.2018

None for the respondent No. 2.

The petitioners, vide the present petition have assailed the impugned order dated 5.7.2018 of the learned Appellate Tribunal (MCD) in appeal No. 145/2018 whereby qua an application filed on behalf of the applicant, i.e., petitioner herein, under Order I Rule 10 CPC which was pending consideration, a prayer had been made by the applicant, i.e., plaintiff before the learned Appellate Tribunal (MCD) for early hearing which had not been granted.

Vide the petition, the prayers made were to the effect :

“ i) To set aside / modify directing the order dated 28.02.2018 passed by the Ld. M.C.D. Appellate Tribunal in Appeal No.145/2018, titled as Alankit Assignments Ltd. vs. N.D.M.C. as the said order is contrary to the mandate of Section 347(C) of Delhi Municipal Corporation Act, 1957 and Respondent

Corporation may kindly be directed to take necessary "Sealing" action under Section 345A D.M.C. Act against the unauthorized construction at premises No.1E/13, Jhandewalan Extension, New Delhi in accordance with law;

(ii) To set aside, modify the order dated 05.07.2018 passed by the MCD Appellate Tribunal in Appeal No. 145/2018 titled as M/s Alankit Assignment Ltd. Vs. North Delhi Municipal Corporation and to direct the Tribunal to hear the matter at an early date.

(iii) Any other relief(s) which this Hon'ble Court deems fit, just, proper and expedient under the facts and circumstances of the case be awarded to the Petitioners."

However, during the course of submissions made on 28.8.2018, the learned counsel for the petitioner therein confined the prayer made through the present petition to the extent that the proceedings on the application under Order I Rule 10 CPC filed by the petitioner then scheduled for the date 20.9.2018 before the learned Appellate Tribunal (MCD) be taken up on the said date.

As per the impugned order dated 5.7.2018 which indicated that the matter was scheduled before the learned Appellate Tribunal (MCD) before 20.9.2018, the status report to the proceedings qua the application under Order I Rule 10 CPC was called for, for the date 31.10.2018, which status report has since been received and indicates that vide order dated 20.9.2018 the said application under Order I Rule 10 CPC has been allowed with liberty to the limited intervention for filing of the written submissions in terms of the judgment of this Court in WP(C) No. 8443/17.

In view of the said Status Report received and submissions made on 28.8.2018 no further action is called for in the present petition which is thus disposed of.

ANU MALHOTRA, J

DECEMBER 19, 2018/SV/sv