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

+ C.R.P. 11/2018 & CM No. 1479/2018

RAVINDRA SHARMA Petitioner

Through: Ms. Jaya Tomar, Adv.

versus

ANIRUDH KUMAR BHARGAVA & ORS Respondents

Through: Mr. G.D. Mishra, Standing Counsel
for R-2/EDMC.

Mr. Shadan Farasat, ASC GNCTD
with Mr. Ahmed Said, Adv. for R-3
& 4.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **15.01.2018**

The petitioner was impleaded as fifth defendant in the suit instituted by the first respondent, it being CS No. 651/2017. The prayer in the civil suit was for injunction – mandatory for demolition of certain construction in front of plot bearing no. B-1081, MIG DDA flats, East of Loni Road and prohibitory against any obstruction being caused to the flow of the drain water. The petitioner as fifth defendant in the suit while submitting written statement in the case of the plaintiff also submitted counter-claim, the prayer made therein was for mandatory injunction for direction for demolition of certain unauthorised construction in the property by the plaintiff. It appears the petitioner had also submitted an application under Contempt of Courts

Act. The plaintiff of the case, however, withdrew the suit, his prayer to that effect being allowed by the impugned order dated 21.09.2017. It is, however, noted that by the same order the counter claim of the petitioner was directed to be separated from the file of the main suit and the proceedings thereupon are continuing, for which the matter is listed before the Civil Judge on 24.01.2018. The grievance against permission to withdraw the suit by the first respondent is misconceived. The petitioner's counter-claim has been correctly continued, it being treated as an independent suit.

The petitioner is at liberty to press for consideration the application under Contempt of Courts Act, if a case in that regard is made out.

The petition is dismissed with these observations.

R.K.GAUBA, J

JANUARY 15, 2018

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