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

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Judgment delivered on: 05.10.2020

+ CM(M) 359/2020 & CM APPL.12018/2020

CHANDER MUNI TYAGI

..... Petitioner

versus

DELHI JAL BOARD & ORS.

.....Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Hitendra Kr.Nahata, Advocate.

For the Respondent:

Mr. Devanshu Lahiry, Advocate for Delhi Jal Board/R-1 to 3.

Ms. Mini Pushkama, Standing Counsel with Mr. Sanjay Sethi, Ms. Khushboo Nahar and Ms. Latika Malhotra, Advocates for R-4/North DMC.

Mr. Vikram Aggarwal, Advocate for R-5.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner impugns order dated 10.02.2020 whereby the application under Order 1 Rule 10 CPC filed by North MCD has been allowed and they have been impleaded in the suit.
3. Learned counsel for the petitioner submits that earlier an application was filed by Adarsh Nagar Green Resident Welfare Association (Regd) on 04.05.2013 for impleading the Municipal

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Corporation of Delhi as a party. Said application was dismissed on 08.03.2018 and thereafter subject application has been filed.

4. Learned counsel appearing for North Municipal Corporation of Delhi submits that the earlier application was dismissed primarily on the ground that the applicant/Adarsh Nagar Green Resident Welfare Association (Regd) was only permitted to intervene in the proceedings and were not a party and as such did not have any locus standi to file the application.

5. Learned counsel further submits that the dispute pertains to a land which is owned by the North Municipal Corporation of Delhi and as such North Municipal Corporation of Delhi is a necessary and a proper party to the suit.

6. Learned counsel appearing for the petitioner submits that the Suit was filed in the year 1999 and has today reached the stage of final arguments and prejudice would be caused in case North Municipal Corporation of Delhi is impleaded as a party as it would further delay the proceedings. He, however, without prejudice submits that with a view to avoid any technical dispute he has no objection to North Municipal Corporation of Delhi being impleaded as a party subject to directions being issued to the Trial Court to expedite the proceedings.

7. In view of the above, this petition is dismissed as withdrawn. However, the Trial Court is directed to expedite the proceedings and endeavour to conclude the same within a period of six months from

the next date fixed before the Trial Court. Amended memo of parties be filed before the Trial Court, within one week. North MCD shall file its written statement, if not already filed along with all supporting documents before the Trial Court within a period of 30 days from today. Replication and other documents, if any shall be filed by the petitioner before the Trial Court on or before 23.12.2020.

8. The petition is accordingly dismissed with the above directions.

9. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

OCTOBER 05, 2020
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SANJEEV SACHDEVA, J.

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