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

% Judgment delivered on: 11.01.2023

+ CM(M) 598/2022

NEELAM CHANDRA & ANR.

..... Petitioners

Versus

NORTH DELHI MUNICIPAL CORPORATION & ORS.....

Respondents

**Advocates who appeared in this case:**

For the Petitioner : Mr. Vikram Hedge, Mr. Jagrit Vyas and Mr.  
Dushyant Mudgil, Advs.

For the Respondent : Mr. Ajay Digpaul, Standing counsel with Mr.  
Kamal Digpaul and Ms. Swati, Advs. for R-1  
Mr. M. P. Sinha and Mr. Abhishek K. Mishra,  
Advs. for R-5  
Ms. Neeta Bahl, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**JUDGMENT**

**TUSHAR RAO GEDELA, J. (ORAL)**

**[ The proceeding has been conducted through Hybrid mode ]**

**CM APPL. 1229/2023(Direction)**

1. This is an application filed on behalf of the petitioners seeking modification of the order dated 03.11.2022 passed by this Court.

2. Mr. Hedge, learned counsel appearing for the applicants submits that by way of the observations in para 6, 7 and 8, the effect of the order dated 15.06.2022 passed by this Court gets diluted to the extent that the private respondents would not be restrained from entering into the disputed portion of the property pending before the Appellate Tribunal Municipal Corporation of Delhi (AT MCD)

3. Mr. Hedge, learned counsel appearing for the applicants submits that by way of order dated 15.06.2022 this Court had stayed the operation of the order dated 10.06.2022 passed by the learned Trial Court.

4. Mr. Hedge, learned counsel appearing for the applicants submits that observations of this Court in para 7 & 8 of the order dated 03.11.2022 of the continuation of the stay orders passed by this Court uptill 05.12.2022 would prejudice his case inasmuch as the hearing could not take place on 05.12.2022 and limiting the operation of the order dated 15.06.2022 upto 05.12.2022 would give opportunity to the private respondents to enter into the disputed portion of the property.

5. It is informed by Mr. Digpaul, learned counsel appearing for the respondent No.1/MCD that the petitioners had taken adjournments on 05.12.2022 as well as on 04.01.2023 and cannot be given the protection as was granted vide order dated 15.06.2022.

6. In view of the aforesaid submissions, it would be in the interest of justice to extend the stay granted by this Court on 15.06.2022 as well as on 03.11.2022 till 01.02.2023 on which date the AT MCD is requested to take up the matter for final disposal and dispose of the same in accordance with law.

7. It is further directed that none of the parties will seek any adjournment on the said date and will address their arguments.

8. In view of the aforesaid observations, the application seeking modification is disposed of.

9. In view of the aforesaid, learned counsel appearing on behalf of the parties submit that nothing survives for further adjudication in the present matter.

10. Accordingly, the petition is disposed of without prejudice to the rights and contentions of the parties including those raised in the present petition.

11. The next date fixed in the matter stands cancelled.

**TUSHAR RAO GEDELA, J**

**JANUARY 11, 2023**

**ms**