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

% Judgment delivered on: 03.02.2023

+ CM(M) 813/2015 & CM APPL. 17980/2015, CM APPL.
29859/2019, CM APPL. 11051/2021, CM APPL. 17770/2022

K S PATHANIA & ANR Petitioners
versus

MOHAN JHA & ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Sanjay Khanna, Ms. Pragya Bhushan,
Mr. Karandeep Singh, Mr. Tarandeep
Singh and Mr. Jainender Rahul, Advs

For the Respondent : Dr. Surya Parkash, Adv. for
impleader/applicant.
Ms. Shahana Farah, Adv. for DDA
Mr. Sanjay Katyal, Standing Counsel for
DDA with Mr. Nihal Singh, Advs.
Mr. Arush Khanna, Ms. Muskan
Maheshwari and Ms. Muskan, Advs. for R-
2 to 5

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. In the present petition, the petitioners challenge the orders dated 27.01.2015 as well as 19.12.2012 whereby an application under Order I Rule 10 CPC, 1908 was dismissed.

2. It is submitted by learned counsel for the parties and which is agreed to by Mr. Khanna, learned counsel appearing for the petitioner

that the original suit bearing No. CS 62/2012 titled "*Aparna Ashram vs. Shri Mohan Jha & Others.*" has already been disposed of vide judgment and decree dated 04.12.2021.

3. In view of above and on the basis of the Doctrine of Merger the impugned orders forming subject matter of the present petition would stand merged in the judgment and decree dated 04.12.2021 passed by the learned Trial Court in CS 62/2012.

4. It is also informed that the an appeal bearing number RFA 9/2022 titled "*Aparna Ashram Society & Anr. vs. Mr. Mohan Jha & Ors.*" has already been filed before this Court and pending adjudication wherein the order and judgment decree dated 04.12.2021 in CS 62/2012 has been impugned.

5. In that view of the matter, nothing survives in the present matter for further adjudication.

6. The petition is dismissed as infructuous.

7. Mr. Khanna, learned counsel appearing for the petitioner submits that there are certain observations which casts aspersions on the petitioner in the present case and the governing body of the *Aparna Ashram Society* and seeks liberty to reserve his rights to raise the contention in other remedies as availed by the petitioner herein.

8. Learned counsel appearing for the respondent vehemently oppose the said liberty. The statement of Mr. Khanna is noted.

9. The petition is disposed of.

TUSHAR RAO GEDELA, J .

FEBRUARY 3, 2023/ms