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

+ **W.P.(C) 3267/2024**

SWAMI CONTRACTORS PVT LTDPetitioner

Through: **Mr. Ravi Swami, Advocate**

versus

MCD AND ANOTHERSRespondents

Through: **Ms. Saroj Bidawat, SC for respondent
No.1**

**CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR
KAURAV**

**ORDER
15.07.2024**

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CM APPL 39048/2024

1. The present application has been filed under Section 151 CPC seeking early hearing of the petition.
2. Learned counsel appearing on behalf of the petitioner submits that during the pendency of the instant writ petition, since the vehicle in question has already been released in petitioner's favour, therefore, the petitioner intends to sell the vehicle to a third party. He, therefore, prays for early hearing of the petition.
3. In view of the above and for the reasons mentioned in the application, the same is allowed and the matter is taken up for hearing today itself.
4. The application stands disposed of



W.P.(C) 3267/2024 & CM APPL 39047/2024

1. Learned counsel appearing on behalf of the petitioner submits that *vide* order dated 04.03.2024, this Court directed for issuance of notice to the respondents and has further directed to respondent No.2 to ensure that no damage is caused to the end-of- life vehicles being impounded/lifted by the said respondent. He then draws the attention of the Court to the order dated 28.05.2024 and submits that the car in question was undertaken to be handed over to the petitioner and accordingly, the steps were taken and the petitioner, as of now, is in possession of the car in question.
2. He further submits that in the said order, the Court has made it clear that the claim of the petitioner for damage to the car, caused while it was with RVSF, shall be considered at the time of disposal of the present writ petition. He, therefore, submits that in view of the damage caused to the vehicle, the necessary compensation be awarded.
3. I have considered the submissions made by learned counsel for the petitioner.
4. The Court is of the considered opinion that whether the alleged damage has been caused at the instance of respondent No.2 or otherwise are all such issues which perhaps cannot be decided in writ jurisdiction. More importantly, the nature of damage and the amount of compensation are the factors which will require adducing of necessary evidence and its appreciation.
5. For the aforesaid reason, the Court declines to grant any compensation in the instant writ proceedings. However, the Court leaves it open to the petitioner to file civil suit claiming the aforesaid relief.



6. The Court has not dealt with the submissions on merit and instead, granted liberty to the petitioner in the aforesaid terms. Therefore, nothing stated hereinabove shall be construed to be an expression on merit.
7. The petition is accordingly disposed of alongwith pending application.
8. The date already fixed, i.e. 30.08.2024 stands cancelled.

PURUSHAINdra KUMAR KAURAV, J

JULY 15, 2024

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