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

+ C.R.P. 155/2024

RAJINDER KUMAR SHARMA ..... Petitioner

Through: Mr. Manu Sisodia and Ms. Hina  
Rajput, Advs. along with  
petitioner in person

versus

LALIT TIWARI & ANR. .... Respondents

Through: Mr. Pritish Sabharwal, Mr.  
Sharad Pandey and Ms. Shweta  
Singh, Advs. for MCD/R-2

**CORAM:**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**ORDER**

% **15.05.2024**

**CM APPL. 29040/2024 (Ex.)**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

**C.R.P. 155/2024**

3. The petitioner is aggrieved of the impugned order dated 23.04.2024 passed by the learned Principal District and Sessions Judge, North-West District, Rohini Courts, Delhi, whereby his application under Order 1 Rule 8A & 10 r/w Section 151 CPC has been dismissed.
4. Learned counsel for the respondent No.2/MCD is present on advance notice. However, the main counsel is stated to be busy elsewhere and pass-over is requested.
5. No one is present for respondent no. 1 despite sending advance notice.
6. Having heard leaned counsel for the petitioner, this Court finds that the impugned order does not suffer from any patent illegality or



perversity. The only point worth observing is that in paragraph (08) , there is probably a typographical mistake since the said paragraph read as whole does make it evident that the Court was aware that there was some prior litigation between the parties, but it opined that the appeal filed under Section 343 Delhi Municipal Corporation Act, 1957 before the District Judge was only concerned with the unauthorized construction allegedly carried out by the appellant in his part of the property.

7. The plea of the learned counsel for the petitioner that the respondent had concealed the material facts from the court concerned is not made out. Merely because learned ATMCD had allowed the petitioner to submit written submissions and address arguments does not create any vested right in him to be impleaded in the appeal filed by a respondent no.1 against the MCD pending before the learned PD&SJ/Second Appellate Authority.

8. After some arguments, learned counsel for the petitioner requests permission to withdraw the present civil revision petition. The same is dismissed as withdrawn without prejudice.

**DHARMESH SHARMA, J.**

**MAY 15, 2024**

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