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

+ CM(M) 1911/2023, CM APPL. 59733/2023—I.dir

MUNICIPAL CORPORATION OF DELHI Petitioner

Through: Mr. Ashutosh Gupta, ASC with Mr.
Arman Monga, Adv.

versus

RAJESH KUMAR Respondent

Through: Mr. Shiv Charan, Adv.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

27.03.2024

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1. It is submitted on behalf of the petitioner herein that respondent has already moved an application under Section 151 CPC seeking withdrawal of his appeal which is pending for disposal since 29.08.2023 before the learned Appellant Tribunal, MCD. Learned counsel for the petitioner submits that despite the fact that the respondent has moved the application, learned Appellate Tribunal, MCD has insisted for appearance of the officers/officials of the petitioner i.e. MCD and is not disposing of the application moved on behalf of the respondent herein. The learned counsel for the respondent submits that the respondent is not interested to pursue the Appeal and his application for withdrawal of the appeal is pending disposal before the learned Appellate Tribunal.

2. Learned counsel for the petitioner further submits that he is willing to withdraw the present petition however, learned Appellate Tribunal, MCD be directed to dispose of the application under Section 151 CPC seeking



withdrawal of the appeal immediately subject to liberty to the petitioner to move afresh, if required, in future.

3. In view of the aforesaid submissions made, the learned Appellate Tribunal, MCD is directed to hear the application moved on behalf of the respondent under Section 151 CPC on the next date fixed before it i.e., 03.04.2024 and dispose of the same as per law.

4. Permission to withdraw with liberty as per law as prayed for is granted.

5. The petition along with pending application stands disposed of.

SHALINDER KAUR, J

MARCH 27, 2024
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