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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2016/2023**
CHAKRESH KUMAR THROUGH LRS SHUBHAM AGGARWAL
.....Petitioner

Through: Mr. Varun Jain, Advocate.
versus

MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONERRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
12.07.2024

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1. A very trivial issue is involved in the present petition.
2. Petitioner had filed an appeal under Section 347B of the Delhi Municipal Corporation Act, 1957.
3. Such appeal i.e. Appeal No. 898/2016 was taken up by the Appellate Tribunal, MCD on 7th April, 2022. There was a request for adjournment for advancing arguments. Such adjournment was granted but subject to Cost of Rs. 5,000/-.
4. It is seen that the appellant had also moved an application seeking wavier of the cost but the same was dismissed. Eventually, since the cost was not paid, the appeal was dismissed for non-prosecution on 22.07.2022.
5. When the petitioner herein moved an application seeking restoration, such request was declined, observing that such application was not maintainable. This is evident from the order dated 24th February, 2023.

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6. Such order has been challenged in the present petition.
7. When this petition was taken up by this Court on 11th December, 2023, learned counsel for the petitioner himself volunteered that he would deposit the cost amount before the Tribunal. Admittedly, such cost amount has already been deposited before the learned Tribunal as per Mr. Varun Jain, learned counsel for the petitioner.
8. In view of the above fact, the present petition is disposed of with the direction that since the cost has already been deposited before the learned Tribunal, the appeal filed before the learned Appellate Tribunal would stand deemed to be restored to its original position and number and the learned Tribunal would proceed with the same in accordance with law.
9. Present petition stands disposed of in the aforesaid terms.

MANOJ JAIN, J

JULY 12, 2024/ss