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

+ **W.P.(C) 11871/2024**

MANISH KUMAR & ANR.

.....Petitioner

Through: Mr. Sahil Man, Mr. Nakul Sehgal,
Advvs.

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondent

Through: Mr. Ajjay Arora, Mr. Kapil Dutta,
Mr. Vansh Luthra, Advvs.
Mr. Sapna Chauhan, Adv for DDA.
Mr. Mohit Bhardwaj, Adv for R-4.
Mr. Virender Pratap Singh Charak,
Ms. Shubhra Prashar, Ms. Priya
Singh, Advvs for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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29.08.2024

1. This matter was called out yesterday and learned counsel who appeared on behalf of the respondent-Corporation, on advance instructions, pointed out that the petitioner has filed the instant writ petition suppressing the material fact of pendency of a contempt petition and also the application filed by the petitioner to intervene in the said proceedings.
2. The Court, however, directed him to specifically point out the averments made by the present petitioner in his pending application in contempt petition being Cont. Case No. 1380/2023.
3. When the matter is called out today, learned counsel who appears for



the respondent-Corporation points out that the application bearing CM No. 65893/2023 has been filed on behalf of Shakuntla Devi in Cont. Case No. 1380/2023, wherein, the affidavit was sworn by the present petitioner Sh. Manish Kumar as attorney on behalf of the applicant and in the said application, the same property is the subject matter of the grievance.

4. According to him, the Court took cognizance of the said application and has directed the respondent-Corporation to take necessary steps. He, therefore, submits that at the instance of the present petitioner, the instant writ petition is an abuse of the process of law.

5. When the aforesaid position has been confronted with the learned counsel who is appearing for the petitioner, he expresses his ignorance and he is unable to satisfy as to why the aforesaid material facts have not been disclosed in the instant writ petition.

6. The Court has also perused the writ petition and finds there is no averment with respect to application being CM APPL. No. 65893/2023 and the affidavit filed by the petitioner himself in support of the said application. In all fairness, the petitioner should have disclosed the pendency of the said application and that too, when the petitioner himself has sworn the affidavit in support of the application.

7. The Court, therefore, finds that the instant writ petition is an abuse of the process of law and therefore, dismisses the same with the cost of Rs.5000/- to be deposited before the Delhi High Court Legal Services Committee.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 29, 2024/KG