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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 784/2024 & CM APPL. 3394/2024

SMT GEETA DEVI

.....Petitioner

Through: Mr. Omprakash Gupta, Mr. Radhy
Shyam, Advocates.

versus

POOJA & ORS.

.....Respondents

Through: Mr. Vikram Aggarwal, Advocate
for R-1 (9212717379).
Mr. Amit Sharma, Mr. Dipesh
Sinha, Ms. Aparna Singh,
Advocates for R-2 and 3
(office@sharmachambers.com.
Mob-9818087744).

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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12.11.2024

1. This petition under Article 226 of the Constitution has been filed against a judgment dated 10.10.2023 passed by the Court of the Additional District Judge in an election petition filed by the petitioner herein.

2. The prayers in the writ petition are as follows:

“a. Issue a writ mandamus and / or any appropriate writ, order or direction in the nature of mandamus and quash and set aside the impugned order dated 10.10.2023 passed by Ms. Vandana, Ld. ADJ, Central District, Tis Hazari Courts, Delhi.

b, Issue a writ mandamus and /or any appropriate writ, order or direction in the nature of mandamus thereby directing the Ld. Trial



Court to decide the EP No.1/2023 on merits.

c. Pass such other further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. The judgments of the Supreme Court in *Radhey Shyam & Anr. vs. Chhabhi Nath & Ors.*, [(2015) 5 SCC 423] and *Life Insurance Corporation of India vs. Nandini J. Shah & Ors.*, [(2018) 15 SCC 356], clearly lay down that the remedy under Article 226 of the Constitution is not available against judicial orders.
4. The petitioner, therefore, seeks permission to withdraw the writ petition with liberty to the petitioner to take recourse to such proceedings as may be available to her in law.
5. The writ petition, alongwith pending application, is dismissed as withdrawn with liberty as aforesaid.

PRATEEK JALAN, J

NOVEMBER 12, 2024

"Bhupi"/