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

+ LPA 1006/2024 & C.M.Nos.58731-58733/2024

**RESIDENT WELFARE ASSOCIATION 12 BLOCK SUBHASH
NAGAR THROUGH ITS PRESIDENT SHASHI KANT ALAGH**

.....Appellant

Through: Ms.Sonal Alagh with Mr.Aviral
Kapoor, Mr.Divyanshu Jha and
Ms.Udita Gupta, Advocates.

versus

**KRISHAN DEVNANI EXECUTIVE ENGINEER (M-1) WZ
SOUTH DELHI MUNICIPAL CORPORATION & ORS.**

.....Respondents

Through: Mr.Arjun Mahajan, standing counsel
for DDA with Mr.Apoorv Upmanyu,
Ms.Neha Rai and Ms.Jahnavi Singh,
Advocates.

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER
07.10.2024**

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1. After some arguments, learned counsel for the appellant wishes to withdraw the present appeal with liberty to file a Civil Suit on the same cause of action.
2. Though the wall in question has been constructed some years ago, yet this Court is of the view that the cause of action is a recurring one. Accordingly, the appellant is given liberty to file a Civil Suit. It is clarified that the Court hearing the proposed Civil Suit shall decide the same on merits uninfluenced by any observations made by the learned Single Judge in the impugned order.



3. With the aforesaid liberty and clarification, present appeal along with the applications is disposed of.

CHIEF JUSTICE

TUSHAR RAO GEDELA, J

**OCTOBER 7, 2024
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