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

+ **CONT.CAS(C) 355/2025**

SUHEB

.....Petitioner

Through: Mr. Misbahul Haque, Adv.
Petitioner through VC.

versus

ASHWANI KUMAR & ORS.

.....Respondents

Through: Mr. Arjun Mahajan, SC for MCD with
Mr. Apoorv U. & Mr. Harsh Vashist,
Advts.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

02.09.2025

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1. This hearing has been done through hybrid mode.

CM APPL. 48096/2025(Delay in Restoration)

2. The present application under Section 5 of the Limitation Act, read with Section 151 of the CPC seeks condonation of delay of 114 days in filing the restoration application i.e. CM APPL. 48095/2025.

3. In view of the averments made, delay is condoned and the application is allowed and disposed of.

CM APPL. 48095/2025(Restoration)

4. The present application under Section 151 of the CPC seeks the following prayers;-

“ii. Recall order dated 07.03.2025, whereby the Cont. Case (C) 355/2025 of the applicant was dismissed in default and further restore the same to its original position.



i. Pass any other or further order as this Hon'ble Court may deem fit and proper, in the interest of justice.”

5. In view of the averments made, the same is allowed and disposed of and the contempt petition is restored to its original number.

CONT.CAS(C) 355/2025

6. The present petition 11 and 12 of the Contempt of Courts Act, read with Section 151 of the CPC seeking non-compliance of the order dated 27.05.2024 passed in W.P.(C) 7368/2024 whereby the following directions were passed:-

“4. It is stated by learned counsel for the MCD, on instructions, that appropriate action for demolition of the property in question shall be taken expeditiously, in accordance with law and in any event, within a period of eight (08) weeks from today. The said statement is taken on record.

5. In view of the aforesaid, learned counsel for the petitioner does not wish to press the present petition at this stage; the same is accordingly dismissed as withdrawn, however, taking on record the aforesaid statement of the learned counsel for the MCD. The pending application also stands disposed of.”

7. Learned counsel for the petitioner, alongwith the latter, who appears through video conferencing submits that demolition action had been taken, however, thereafter the seal of the premises were broken and the occupiers have entered into the property. It is pointed out that a complaint regarding the same has been made to the MCD on 27.06.2024. Learned counsel for the MCD submits that the said complaint will be looked into and appropriate action will be taken in accordance with law within a period of three weeks from today. Let a copy of the complaint be supplied to learned MCD and necessary action be taken by the concerned Department in accordance with law.



8. With the aforesaid directions, the present petition is disposed of.

AMIT SHARMA, J

SEPTEMBER 2, 2025/nk/yg