



2025:DHC:2444



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 7th April, 2025***+ **CM(M) 633/2025 & CM APPL. 20177-20178/2025****MAHIPAL SINGH**

.....Petitioner

Through: **Mr. Anuj Kumar Gupta, Advocate**

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: **Mr. Akhil Mittal, Standing Counsel
for MCD with Mr. Sidhant Garg,
Advocate****CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)****CM APPL. 20178/2025 (exemption)**

Exemption allowed, subject to all just exceptions.

CM(M) 633/2025 & CM APPL. 20177/2025

1. Petitioner has filed an appeal which is pending adjudication before the learned Presiding Officer, Appellate Tribunal (MCD), Delhi.
2. Appeal is titled as *Mahipal Singh Vs. MCD (Appeal No. 323/2024)*.
3. During pendency of the aforesaid appeal, application was moved by one Mr. Raj Kumar under Order I Rule 10 CPC seeking his impleadment as a necessary party in the aforesaid appeal on the premise that he shared adjoining boundary wall with the property in question.
4. Fact remains that such application has been dismissed by the learned Appellate Tribunal observing that the same is not maintainable and, in case there is any dispute between such applicant and the appellant, the applicant



can always maintain proceedings before a competent Civil Court.

5. Appellant is, however, aggrieved by supplementary observation made in the aforesaid order whereby such applicant has been, however, permitted to file documents, if any, and to orally argue the matter at final-arguments stage.

6. The grievance of the petitioner is very limited.

7. He submits that since applicant was not found to be a necessary or proper party in the aforesaid appeal, he should not have been given any permission or indulgence to place on record any document or for that matter to argue the matter.

8. Fact remains that the learned Appellate Tribunal has ample power under Section 14 (4) of Delhi Municipal Corporation Act, 1957 whereby it can direct production of any document or examination of any witness to enable itself to dispose of any such appeal.

9. Therefore, production of any document and hearing any such person with respect to the production thereof is within the scope and ambit of Section 14 (4) of Delhi Municipal Corporation Act, 1957, and not beyond.

10. Petition is accordingly disposed of with the direction that the learned Appellate Tribunal (MCD), Delhi may give indulgence to the applicant within the confines of Section 14 (4) of Delhi Municipal Corporation Act, 1957.

11. Petition, along with all the pending applications, stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

APRIL 7, 2025 /dr/pb