



\$~113

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

+ **FAO 133/2025 & CM APPL. 29280/2025**

RAKESH ABROLAppellant

Through: Mr. Kuldeep Jauhari, Adv.
versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Ms. Shivangie Kumar and Mr.
Gaurav Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **14.05.2025**

1. This hearing is being conducted through hybrid mode.

CM APPL. 29281/2025 – EXMP.

2. Allowed, subject to all just exceptions.

3. Application stands disposed of.

FAO 133/2025 & CM APPL. 29280/2025

4. This appeal is preferred by the appellant in terms of Section 104 read with Order XLIII Rule 1(r) of the Code of Civil Procedure, 1908 [hereinafter referred as “CPC”], assailing the impugned order dated 22.04.2025, passed by the learned District Judge-12, Central District, whereby the application moved by the appellant/plaintiff under Order XXXIX Rule 1 and 2 of the CPC for restraining the respondent/MCD from carrying out any demolition process has been dismissed.

5. Learned counsel for the respondent/MCD is present on advance notice through VC. However, she submits that she has no instructions.

6. Having heard the learned counsel for the appellant, the grievance seems to be that on the dismissal of their application by the learned Trial

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 15/05/2025 at 12:37:20



Court, the appellant/plaintiff has been issued with a vacation notice dated 30.04.2025, thereby giving them fifteen days to vacate the premises.

7. It is evident that the jurisdiction lies with the learned Appellate Tribunal MCD [hereinafter referred as “**ATMCD**”] to look into the grievances of the appellant.

8. In view of the above, the present appeal is disposed of with liberty to the appellant to approach the learned ATMCD or any other appropriate forum for redressal of their grievances in accordance with law. Pending applications also stand disposed of.

9. In the meanwhile, no coercive action shall be taken by the respondent/MCD for a period of seven days from today.

10. A copy of this order be given *dasti*.

DHARMESH SHARMA, J.

MAY 14, 2025/*gunn*

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 15/05/2025 at 12:37:20