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

+ **LPA 374/2025 & CM APPL. 34813/2025**

MRS. MAHJABEEN JALIL

.....Appellant

Through: Mr. Gautam Narayan and Mr. Raj Shekhar Rao, Senior Advocates with Ms. Asmita Singh, Mr. Abheet Mangleek, Mr. Punishk Khanda and Mr. Sohail Khan, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Sanjeev Sabharwal, Standing Counsel with Ms. Shweta Singh, Advocate and Mr. Lalit Goel, AE, Central Zone, MCD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% 29.05.2025

1. Heard the learned counsel for the parties.
2. This intra Court appeal seeks exception to an order dated 15.05.2025 passed by learned Single Judge in W.P.(C) 2842/2024 connected with CONT.CAS (C) 357/2024 whereby the learned Single Judge has directed the MCD to proceed with carrying out the repair work in the property in question which is apparently a dwelling house.
3. The only submission made by learned counsel for the appellant is that the appellant ought to have been given opportunity to file her objections to the



second Report dated 28.04.2025 submitted by the Professor, Civil Engineering Department, IIT Delhi. It has been stated that opportunity to file objection ought to have been given before passing an order for undertaking the repair work which is based on the said report.

4. Learned counsel representing the MCD however has stated that there are two reports submitted by the same Professor and that there is no difference between these two reports and, therefore, once no objection was filed by the appellant in respect of the first report, no purpose would be served allowing the appellant to file the objections in respect of the second report.

5. When we peruse the order under challenge herein, what we find is that learned Single Judge has directed the MCD to proceed with carrying out the repair work in the property in question considering the second report submitted by the expert, namely a Professor of the Department of Civil Engineering, IIT Delhi. Though, it is a report submitted by an expert, which ought to be respected, however that would not mean that parties to the proceedings may be deprived of filing their objections.

6. In the aforesaid view of the matter, we modify the order dated 15.05.2025 passed by the learned Single Judge by providing that within ten days from today, the appellant shall submit her objection to the second report, after serving a copy thereof upon the learned counsel representing the MCD. The MCD may thereafter file response, if any, to the objections of the appellant to the said report within two weeks thereafter.

7. The objections to be filed by the appellant and response thereof shall be considered by learned Single Judge, if possible, on the next date of listing.

8. Till the objections and the response thereof respectively are filed by the appellant and the MCD are considered by learned Single Judge, the repair



work, as directed by learned Single Judge, shall remain deferred.

9. We permit the parties to make an appropriate application seeking preponement of the date fixed before learned Single Judge.

10. The appeal stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

MAY 29, 2025

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