

MCD APPL No.1/18
Rakesh Goel Vs. SDMC

28.11.2018

Present : Ms. Bhagyashri Shukla, proxy counsel for appellant.
Ms. Promila Kapoor, counsel for respondent no. 1.
Shri Manoj Kumar, counsel for respondent no. 2 and 5.
Shri V. K. Ohri, counsel for respondent no. 3.
Shri H. L. Dashi, counsel for respondent no. 4.
Vakalatnamas on behalf of respondent no. 1, 2, 3, 4 and 5 filed.

On the very first date, after addressing partly counsel for appellant sought permission to implead owners of four desealed shops by filing amended memo of parties, stating that any order on this appeal would have been prejudicial to them and counsel for appellant contended that the appellant has better right than owner of those desealed shops.

But on being pointed out that those shops had been desealed by the order of Hon'ble Supreme Court and this court cannot interfere in that order, counsel for appellant requested that the present appeal be kept pending and she would file chamber appeal against order dated 05.10.2017 of the learned Registrar or by way of any other proceedings in accordance with law.

Thereafter, matter was repeatedly adjourned as none appeared for appellant to disclose the status of the chamber appeal.

As such, notice of the present appeal was directed to be issued to the owners of the said desealed shops, so that they may not be left unaware of the present proceedings.

Today it is stated by proxy counsel for appellant that they did not file any chamber appeal before the Hon'ble Supreme Court. That being so, presence of the private respondents no. 2-5 in the present appeal is not necessary any more. For, admittedly this court cannot interfere in the order passed by the Hon'ble Supreme Court whereby shops of respondents no. 2-5 were directed to be desealed and now owners of the said desealed shops are aware of the present proceedings. Therefore, respondents no. 2-5 are dropped from array of parties and stand discharged.

List the appeal for final arguments on 12.02.2019.

(Girish Kathpalia)
District & Sessions Judge
South East, Saket Courts
New Delhi : 28.11.2018 (ar)