

A.No. 874/14

29.04.2025

Present : Sh. Dalip Rastogi proxy counsel for the appellant.  
Ms. Renu Soni, Nodal Officer on behalf of MCD.

An adjournment is sought on behalf of the respondent as main counsel Sh. H.R. Aggarwal is un-available today due to bad health.

In the interest of justice one more opportunity is granted to the respondent to address the arguments in the matter.

Put up for purpose fixed on 22.09.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025

A.No. 1046/17

29.04.2025

Present : Proxy counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

It is already lunch time. Ld. proxy counsel for appellant submits that main counsel Mr. Nitin Prakash is not available in post lunch session being busy before the Hon'ble High Court.

In the interest of justice one more opportunity is granted to the appellant to address the arguments in the matter.

Put up for purpose fixed on 23.09.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 899/24

29.04.2025

Present : Sh. Rounk Nayak & Sh. Gagan Gandhi, Ld counsel for  
the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments heard.

Ld. Counsel for respondent / MCD takes a preliminary  
objection that present appeal is time barred and  
application seeking condonation of delay is not moved  
by appellant in the matter.

Ld. counsel for appellant seeks some time to take  
instructions and take appropriate steps in that regard.

Put up for arguments on the point of limitation and  
maintainability on 01.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 R

A.No. 37/22

29.04.2025

Present : Sh. Suresh Chander Narwal proxy counsel for the  
appellant.

Ms. Renu Soni, Nodal Officer on behalf of MCD.

An adjournment is sought on behalf of the appellant as  
main counsel Sh. Roshan Lal is un-available today  
due to death of his relative.

In the interest of justice one more opportunity is  
granted to the appellant to address the arguments in  
the matter.

Put up for purpose fixed on 19.09.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 107/21

29.04.2025

Present : Sh. K.N. Singh, Ld counsel for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent.

It is already lunch time. Ld. counsel for appellant submits that he has to appear before the Hon'ble High Court in post lunch session.

In the interest of justice one more opportunity is granted to the appellant to address the arguments in the matter.

Put up for purpose fixed on 22.09.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 82/21

29.04.2025

Present : Sh. Sahil Gupta, Ld counsel for the appellant joined through VC.

Sh.Ashutosh Gupta, Ld counsel for the respondent no.1.

Sh. Rajiv Dalal, Ld counsel for the respondent no.2.

Part arguments heard.

Ld. counsel for appellant seeks some time to take further instruction from his client before concluding arguments.

Put up for arguments on application seeking condonation of delay on 19.09.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 R

A.No. 391/19

29.04.2025

Present : Sh. Ved Prakash Sharma, Ld counsel for the appellant with Mr. Saakaar Sardana, Ms. Surabhi Sardana, Advocates.  
Sh. Sahib Gurdeep Singh, Ld counsel for the respondent.  
Sh. Rajesh Aggarwal and Ms. Deeksha Aggarwal, Ld. counsel for intervener alongwith Sh. Ranjit Thomas, intervener. Fresh Vakalatnama filed, same is taken on record.

Part arguments heard.

Ld. counsel for appellants submits that appellant No.3 is not available today to file his affidavit and seeks some time to file affidavit. Advance copy be supplied to the other parties.

Put up for purpose fixed on 23.09.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025

A.No. 14/23

29.04.2025

Present : Sh. Tanmay S.Surana, Proxy counsel for appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

It is informed that arguing counsel for appellant Mr. Tushar Mahajan is unavailable today as he has suffered an accident.

Respondent / MCD seeks some time to file status report to clarify the status of regularization application.

Put for the purpose already fixed on 19.09.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 R



A.No. 743/23

29.04.2025

Present : Sh. Chirag Sharma, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

It is informed that appellant is not available today as he has to appear in some other case before Dwarka Courts.

Put up for clarification in terms of previous order and further arguments on the point of appeal on **19.09.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 623/23

29.04.2025

Present : Sh. Ram Kishan, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments on the point of appeal heard.

Some clarifications are required from AE(B) concerned in respect of the role of DDA in respect of property in question.

Put up further arguments on pending interim application as well as on the point of appeal on **23.09.2025.**

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 636/23

29.04.2025

Present : Sh. Yogendra Singh, Ld counsel for the appellant  
along with appellant No.1.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Affidavit u/s 63 R/w Section 61 of Bhartiya Sakshya  
Adhinyam 2023 is filed by the appellant, copy  
supplied.

Ld. counsel for MCD seeks some time to take  
instruction from the department.

Put up for arguments on the point of pending interim  
application and appeal on 19.09.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 670A/23

29.04.2025

Present : Sh. Shobhit Sharma, Ld counsel for the appellant.  
Sh. Pritish Sabharwal, Ld counsel for the respondent.

Part arguments heard.

Ld. counsel for the appellant submits that MCD has not filed any status report in terms of the order dated 30.10.2023.

Ld. counsel for MCD submits that they will address the issue at the time of final arguments in the matter.

Arguments could not be concluded today as Ld. counsel for appellant in other connected appeal bearing No.695/23, 696/23 & 698/23 is not available today and arguments in all the appeal shall be heard together.

Put up for purpose fixed on 22.09.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No.466/23

29.04.2025

Present :           None for the appellant.  
                  Sh. Ashutosh Gupta, Ld counsel for the respondent.

No one is present on behalf of the appellant in Tribunal and in VC despite various calls since morning.

No adverse order is being passed today in the interest of justice.

Put up for purpose fixed on **22.09.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 321/22

29.04.2025

Present :               None for the appellant.  
                              Sh. Ashutosh Gupta, Ld counsel for the respondent.

Despite various calls none is appearing on behalf of the appellant in the Tribunal or through VC.

Ld. Counsel for respondent / MCD seeks some time to file status report to clarify the aspects as per order dated 07.11.2024.

In the interest of justice, no adverse order is being passed today.

Put for the purpose already fixed on 22.09.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025   R

A.No. 06/25 (M)

29.04.2025

Present : Sh. Amit Gupta, Ld counsel for the applicant  
/appellant.  
Sh. Pritish Sabharwal, Ld counsel for the respondent  
MCD joined through VC.

Ld. counsel for MCD seeks some time to file reply to  
the application seeking restoration of appeal as well  
as application seeking condonation of delay. Advance  
copy be supplied to the appellant.

Put up for reply and arguments on aforesaid  
applications on 12.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 271/24

29.04.2025

Present : Sh. Prateek Jain, Ld counsel for the appellant.  
Sh. Ashutosh Gupta , Ld counsel for the respondent.

List of documents is filed on behalf of the appellant.

It is 4.00 p.m. No time left.

Matter be re-listed for arguments on application seeking condonation of delay, pending interim application seeking stay as well as appeal on 29.08.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)



A.No. 258/25, 259/25, 260/25, 261/25 & 262/25

29.04.2025

**Fresh appeal is filed. It be checked and registered.**

Present : Sh. Harkrishan Das Nijhawan, appellant in person.

1. Appellant submits that they have no right, title, interest or stake in the property in question. He submits that appellant NGO a whistle blower organization and has filed the present appeal as a Public Interest Litigation (PIL) to challenge the unauthorized structure which had been erected by the respondent (s).
2. Arguments on the point of *locus standi* of appellant NGO to file the Public Interest Litigation Appeals before this Tribunal are already being heard in appeal Nos. 40/25, 60/25 and 80/25 and the said appeals are listed for further arguments on the point of *locus standi* of appellant NGO on 29.05.2025.
3. In one of the appeal, MCD has opposed the *locus standi* of the appellant NGO to file these Public Interest Litigation Appeals before this Tribunal and had sought time to file written submissions.
4. The present appeals also involve the issue of *locus standi* of appellant NGO to file this Public Interest Litigation Appeal. As a common question of law is involved in all the cases, accordingly, the present appeals be also listed along with other pending appeals for arguments on the point of *locus standi* of the appellant NGO on **29.05.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (s)

A.No. 887/24

29.04.2025

Present : Appellant in person joined through VC.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments heard.

Ld. counsel for appellant seeks some time to file copy of chain of title documents which are mentioned at page 46 & 47 in sale deed dated 04.10.2022.

Advance copy be supplied to respondent / MCD.

Put up for further arguments on pending interim application and appeal on 10.06.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 R

A.No. 535/22

29.04.2025

Present : Appellant in person.  
Sh. V. K. Aggarwal, Ld counsel for the respondent.

Part arguments on the application seeking condonation of delay heard.

Arguments could not be concluded today as no one is present on behalf of the respondent nos. 5 to 7.

It is clarified that in case respondent nos. 5 to 7 failed to appear and address the arguments on the next date of hearing, this Tribunal shall be constrained to proceed further as per law.

Put up for purpose already fixed on **06.10.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 131/25

29.04.2025

Present : Sh. Dalip Rastogi , Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.  
Ms. Parul Agarwal, Ld. counsel for Intervener.

An application for impleadment under Order I Rule 10 CPC is moved on behalf of Intervener Meera Goyal. Copy supplied. An application under Section 347 (B) of the DMC Act, 1957 seeking stay is also filed on behalf of appellants. Copy supplied.

Status report is filed by the MCD in terms of previous order. Copy supplied. The copy of order dated 22.04.2025 passed in W. P. (C) 5060 /2025 is placed on record by the appellant. It is submitted that vide said order, Hon'ble High Court of Delhi has directed the MCD to consider the regularization application upon removal of non-compoundable deviations by the appellant.

Ld. counsel for the MCD submits that regularization application moved by the appellant is pending for consideration with MCD. He submits that MCD will make best endeavour to decide the regularization application within a period of four weeks from today.

Ld. counsel for MCD on instruction further submits that till the time the regularization application is decided they are not taking any demolition action in the property in question. Put up for further arguments on interim application as well as on the point of appeal on 08.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (s)

A.No. 97/24 (M)

29.04.2025

Present : Mohd. Amir, Ld counsel for the appellant.  
Sh. Avishek Kumar, Ld counsel for the respondent  
joined through VC.

An adjournment is sought on behalf of the appellant as  
main counsel is un-available today due to some  
personal exigencies.

In the interest of justice one more opportunity is  
granted to the appellant to address the arguments in  
the matter.

Put up for purpose fixed on 08.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 217/21

29.04.2025

Present : Ms. Sana Ansari, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Affidavits of Smt. Neetu Yadav, Smt. Sonia Yadav and Smt. Aarti Yadav are filed by Ld. counsel for appellant. She submits that affidavit of other legal heirs are also filed on record. She submits that the appellant No.1 Mr. Narain Dass Yadav had died on 27.08.2021. She prays that legal heirs of deceased appellant No.1 be impleaded in the present case and application under Order XXII Rule 3 CPC be allowed. Ld. counsel for MCD not object to the same.

Accordingly, application under Order XXII Rule 3 CPC is allowed. Amended memo of parties be filed on or before the next date of hearing.

At joint request, put up for arguments on the application moved by the MCD seeking vacation of interim application, pending interim application as well as appeal on 04.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 124/20

29.04.2025

Present : Sh. Manmohan Singh, Ld counsel for the appellant.  
Sh. Mukesh Kumar Dral, Sh. G.S. Suhag, Sh. Sonu Kirar and Mohd Ayan, Ld counsel for the respondent.  
Sh. Anupam Sharma, Ld. counsel for the DDA joined through VC

Part arguments heard.

Some assistance of the concerned officials is required to understand the measurement of the passage and lift area as has been argued by Ld. counsel for the appellant

Put up for further proceedings on the point on appeal on 19.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (V)

A.No. 285/24 & 286/24

29.04.2025

Present : Sh. Yashpal Bharti, Ld counsel for the appellant.  
Sh. Sandeep Kumar, Ld counsel for the respondent  
joined through VC.

It is 3.50 p.m. Ld. counsel for MCD submits that due to some medical exigencies he is not able to argue the matter today.

In the interest of justice one more opportunity is granted to the respondent MCD to address the arguments in the matter.

Put up for purpose fixed on 19.09.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)



A.No. 12/25 (M)

29.04.2025

Fresh application seeking review petition under order XLVII Rule 1 CPC is moved on behalf of the applicant.

Present : Sh. Yash Mittal, Ld counsel for the applicant.

Part arguments on the point of maintainability of review petition heard.

Ld. counsel for applicant seeks some time to take further instruction before concluding the arguments.

Put up for consideration on the point of maintainability of review petition on 07.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 900/24

29.04.2025

Present : Ms. Pratibha Bhadoria , Ld counsel for the appellant.  
Sh. Atul Tanwar, Ld counsel for the respondent along  
with Sh. Madan Kumar, AE(B).

AE(B) concerned submits that appellant has removed  
the deviations in the building and seeks some time to  
file report.

At request of parties, matter be listed on 08.05.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 R

A.No. 56/25

29.04.2025

**File is taken up today on application seeking early hearing in the matter.**

Present : Sh. Amreek Singh, Ld counsel for the appellant.  
Sh.Ashutosh Gupta, Ld. counsel for the respondent.

Sh. Ashutosh Gupta, Ld. Counsel for respondent / MCD who is appearing in some other case accepts the notice of this application.

Ld. counsel for appellant submits that Civil Suit bearing no. 69 / 2025 is already rejected under order 7 Rule 11(d) CPC by the court of Dr. Saema Jain, JSCC / ASCJ / G. Judge (NE) vide order dated 24.04.2025.

He submits that appellant is apprehending demolition action by the MCD and requests that interim application be heard on priority so that interest of appellant can be safeguard.

Ld. Counsel for respondent / MCD submits that interim application be decided after hearing both the parties.

Accordingly, at joint request of parties matter be listed for arguments on interim application as well as appeal on 23.05.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 R

A.No. 105/23

29.04.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Atul Tanwar, Ld counsel for the respondent.

Ld. counsel for the appellant seeks sometime to file affidavit in terms of previous order.

Concerned AE(B) is directed to remain present in person on the next date of hearing.

Put up for further arguments on the point of clarification on 02.05.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (V)

A.No. 09/25 (M)

29.04.2025

Present : Ms. Prakriti Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent  
along with Mr. Pawan Kumar, AE(B).

Status report is filed by the MCD informing that the necessary charges have already been deposited by the appellant.

Ld. counsel for MCD submits that the MCD will desal the property in question. It is directed that the property be de-sealed within 48 hours from today.

Accordingly, the application is disposed off.

File be consigned to record room.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 109/25, 110/25 & 111/25

29.04.2025

Present : Sh. Charanpreet Singh, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Amended Memo of Parties is filed on record by the appellant.

Ld. counsel for appellant submits that he will move appropriate application seeking permission of the Court to implead necessary party in the matter. Advance copy be supplied to the MCD.

Ld. counsel for the MCD requests for a short hearing as they have already given an undertaking for not taking coercive action against the property in question. At joint request of the parties, put up for purpose fixed on **11.06.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (s)

A.No. 344/24 & 388/24

29.04.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal no. 388/24.  
Sh. V. K. Aggarwal, Ld counsel for the respondent in appeal no. 344/24.  
Sh. Nitin Ahlawat, Ld. counsel for respondent nos. 2 to 7 joined through VC.  
Dr. Sarabjeet Sharma, Ld. counsel for respondent nos. 8 and 9.

Part arguments heard.

Arguments could not be concluded today as Ld. counsel for MCD seeks some time to file status report in terms of previous order.

At joint request of all the parties, the matter be re-listed for further arguments on the point of appeal on **15.05.2025.**

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (s)

A.No. 318/19, 320/19 & 321/19

29.04.2025

Present : Sh. Dalip Rastogi, Ld. counsel for appellant.  
Sh. Sahib Gurdeep Singh, Ld counsel for the  
respondent.

Part arguments heard.

Put up for further arguments with connected case on  
23.09.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)



A.No. 695/23, 696/23, 698/23

29.04.2025

Present : Sh. Ritvik Bhardwaj proxy counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent in  
appeal No.696/23.  
Ms. Bhavya Chauhan, Ld. counsel for respondent in  
appeal No.695/23.  
Sh. Anubhav Gupta, Ld. counsel for respondent in  
appeal No.698/23 joined through VC.

An adjournment is sought on behalf of the appellant as  
main counsel Sh. Ravinder Singh has to appear  
before the Saket Courts in some personal matter and  
therefore, is not in a position to appear and address  
the arguments.

In the interest of justice one more opportunity is  
granted to the appellant to address the arguments in  
the matter.

Put up for purpose fixed on **22.09.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (J)

A.No. 267/25

29.04.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Vaibhav Sethi & Sh. Abul Hasan Khan , Ld.  
counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Ld. counsel for appellant submits that a short hearing be given as they are apprehending demolition action from the MCD.

Put up for arguments on interim application(s) and appeal on 01.05.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 R

A.No. 268/25

29.04.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Dinesh Kumar , Ld. counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Ld. counsel for appellant submits that a short be given as they are apprehending demolition action from the MCD.

Put up for arguments on interim application(s) and appeal on 01.05.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 R

A.No. 147/25

29.04.2025

Present : Sh. Piyush Pahuja, Ld counsel for the appellant along with Sh. Dhroov Dutt & Sh. Rohit Rawat, Associates counsels.  
Sh. Chetan Hasija, Ld counsel for the respondent along with Ms. Sarita Gaur, ALO & Sh. Satish Gautam, AE(B).

An affidavit is filed by Mr. Narender Kumar, appellant.  
Copy supplied to MCD.

Arguments on the point of interim application as well as appeal are heard at length from Ld. counsels of both the parties.

Put up for orders on 09.05.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 R

A.No. 133/25

29.04.2025

Present : Sh. Sandip Kumar, Ld counsel for the appellant along with appellant joined through VC.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Reply on behalf of appellant to the application filed by respondent under Order XXXIX Rule 4 CPC is filed. Copy supplied. Additional submissions on behalf of appellant is also filed. Copy supplied.

Arguments on the application seeking vacation of stay moved by the MCD as well as on the point of appeal heard at length from Ld. counsel for both the parties.

Put up for orders on **16.05.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 (s)

A.No. 11/25 (M)

29.04.2025

Present : Sh. M.K.Singh, Ld counsel for the appellant.  
Sh. V.K.Aggarwal, Ld counsel for the respondent.

1. This order will decide the application under Order IX Rule 9 CPC and another application under Section 5 of Limitation Act moved by applicant / appellant.
2. The appeal bearing no.83/21 was dismissed in default for non-appearance on 10.03.2022 by my Ld. Predecessor.
3. Ld. counsel for applicant submits that the hearings in appeal 83/21 were attended by previous counsel, who assured that appellant / applicant that she is not required to appear in Tribunal. It is submitted that appellant was not aware that previous counsel is not attending hearings and matter had been dismissed in default. It is submitted that on becoming aware of the aforesaid order, the husband of appellant filed appeal bearing no.1047/24 under the impression that fresh case needs to be filed as some of notices were issued in his name. The said appeal was dismissed by the Tribunal and then appellant came to know that present appeal needs to be revived by moving restoration application. It is submitted that appellant has received vacation notice from MCD and in case the property is not protected and appeal is not revived, appellant will

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suffer irreparable loss as the property in question is residential and applicant do not have alternate accommodation.

4. Ld. Counsel for respondent / MCD opposes the application. He submits that application is highly time barred. He submits that no reasonable ground is shown by appellant for seeking condonation of delay. He submits that applicant filed a separate appeal no.1047/24 to misguide the Tribunal and only upon dismissal of that appeal has moved the present application.
5. Arguments heard and record perused. Ld. counsel for appellant submits that it was due to non-appearance on the part of previous counsel the appeal was dismissed and it is settled legal position that party cannot make suffer for the defaults on the part of counsels. He has referred to the decision in the case of **“Sukhdev Das & Ors Vs Yashoda Bai & Others, 2010(1) Civil Court cases 063 (Chhattisgarh) and “Ram Kumar Gupta & Ors Vs Har Prasad & Anr, 2010(1) Civil Court cases 193(SC)”**.
6. It is further submitted that upon becoming aware of the impugned order the husband of appellant took immediate steps to file the appeal bearing no. 1047/24. It is submitted that under the bonafide impression the husband of appellant filed that appeal and he was not aware that restoration application needs to be moved.

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7. It is argued that after dismissal of the said appeal appellant has filed the present application seeking restoration of appeal. It is clear that appellant's family was making continuous efforts to redress their grievances but it is due to lack of knowledge that they were not able to move proper application.
8. It is settled legal position that party cannot be made to suffer for the lapses on the part of counsels. In the present case the appellant and his family had made efforts by filing appeal bearing no.1047/24 to seek redressal of their grievance and thereafter present application has been moved. Appellant has raised grounds in the appeal which needs considered on merits. Appellant is seeking protection of her residential property and in case appeal is not heard on priority she will suffer irreparable loss.
9. Keeping in view the overall facts and circumstances, the application under Order IX Rule 9 CPC and application under Section 5 of Limitation Act is allowed subject to cost of Rs. 10,000/- to be deposited in the Registry of this Tribunal. Appeal be restored at its original number.
10. It is clarified that the observations made while passing of this order by this Tribunal shall not tantamount to the expression on the merits of this case.
11. It is clarified that no further request for adjournment shall be entertained in the matter.

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Put up for further arguments on pending interim applications and appeal on 19.09.2025.

Interim order dated 24.03.2021 to continue till next date of hearing.

Copy of order be sent to AE(B) concerted.

Copy of order be given dasti.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 R

A.No. 141/25

29.04.2025

Present : Sh. Kapil Chaudhary, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by MCD. Copy supplied.

Arguments on application under Section 5 of Limitation Act as well as appeal are heard at length from Ld. counsels of both the parties.

Vide separate order of even date, the present application as well as appeal is dismissed.

Record of the respondent, if any, returned along with copy of this order and appeal, file be consigned to record room.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 R

A.No. 141/25

**Jitender Singh Vs Municipal Corporation of Delhi**  
29.04.2025

**ORDER:**

1. This order will decide the application moved by appellant seeking condonation of delay for 07 years and 07 month in filing the present appeal.
2. In the present case appellant is impugning the demolition order dated 18.08.2017. The present appeal is filed on 11.03.2025. It is stated in the application that appellant came to know about the demolition order on 05.03.2025 when the MCD had filed status report in the Civil Suit. It is submitted that thereafter appellant took steps to file the present appeal. It is submitted that delay is occasioned due to absence of information about the demolition order.
3. Ld. Counsel for respondent / MCD opposes the submissions made by appellant. He submits MCD record shows that Civil Suit i.e. CS SCJ no.1727/2019 was filed in the year 2019 and MCD filed its written statement in the year 2020. He submits that written statement is on page 21/C of MCD record. He submits that appellant was also party in the said civil suit. He submits that in para no. 2 to 7 of reply on merits, MCD has clearly mentioned regarding demolition order which had been passed in respect of the property and has

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also mentioned the file number. He submits that appellant has made false statement before this Tribunal that they have come to know about the demolition order in the year 2025. He also submits that MCD record shows that demolition order was duly served by way of affixation.

4. Arguments heard and record perused. The MCD record shows that demolition order was served by way of affixation as prescribed under Section 444 of DMC Act, 1957. It is the case of appellant that he came to know about the demolition order through the status report dated 05.03.2025 which was filed in civil suit by MCD. The MCD record (page 18/C to 21/C) shows that MCD filed its written statement in the year 2020 and has informed the court regarding demolition order which was passed in respect of the property in question. The contention of appellant that he came to know about the demolition order in the year 2025 is belied from the written statement which is part of MCD record. Appellant was the party to the said civil suit and cannot plead ignorance to written statement. It is clear that appellant has not approach the Tribunal with clean hands and has not stated true facts in the application seeking condonation of delay.

5. The Hon'ble Supreme Court of India in the case of H. Guruswamy & Ors Vs Krishnaiah Since Deceased by

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LRS in Civil Appeal No. 317 /2024 has mandated as follows:

- “13. We are at our wits end to understand why the High Court overlooked all the aforesaid aspect. What was the good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High Courts that the concepts such as “liberal approach”, “Justice oriented approach”, “substantial justice” should not be employed to frustrate or jettison the substantial law of Limitation.”
15. The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.
16. The length of the delay is definitely a relevant factor which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the *bona fides* of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.
17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the ‘Sword of Damocles’ hanging over the head of a litigant for an indefinite period of time.”

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6. From the mandates given by the Hon'ble Supreme Court of India it is clear that the concept such as liberal approach, justice oriented approach, substantial justice shall not be employed to frustrate the substantial law of limitation. The court owes a duty to first ascertain the bonafides of the explanation offered by the party seeking condonation of delay.
7. In view of the aforesaid facts and circumstances, the appellant has failed to show sufficient cause seeking condonation of delay, has not approach the Tribunal with clean hands and has not stated true facts in the application seeking condonation of delay. The application seeking condonation of delay as well as appeal is dismissed.
8. Record of the respondent, if any, be returned along with copy of this order and appeal file be consigned to record room.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
29.04.2025 R