

23 CS 2540/16
ANIL VOHRA Vs. EAST DELHI MUNICIPAL
CORPORATION AND
ORS.

03.06.2024
AT 01:37 PM

Present: Sh. Ben Thomas George, Ld. counsel for the
 plaintiff
 Sh. Vijay Tyagi, Ld. Counsel for the defendants
 through VC.
 Sh. Lav Kumar Gupta, Ld. proxy counsel for Sh.
 Vijay Tyagi, Ld. counsel for the defendants.

Matter is listed for arguments on the preliminary
issues.

It is submitted by the Ld. Counsel for defendants
that he has inspected the file and the submissions made by the
Ld. Counsel on the last date of hearing are found to be correct.
He fairly submits that the requisite notice under Section 478
DMC Act was dated 08.01.2015 was received by the defendants
prior to filing of the present suit. It is further submitted that the
suit was filed after the expiry of 60 days from the date of receipt
of the aforesaid notice.

It is further submitted on instructions that he wants
to withdraw his objection qua the issuance of mandatory notice
in the present suit and further requests that the issue No.1 framed
on 17.09.2018 be strike out.

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The notice under Section 478 of DMC Act dated 08.01.2015 has already been filed by the plaintiff in the present suit. Perusal of the record further shows that the said notice was also duly replied by the defendants on 13.02.2015. Reply is also on record.

In view of the submissions and considering the facts of the case, issue No.1 is hereby strike out under the provision of Order XIV Rule 5 CPC. Preliminary issue is accordingly decided and disposed off.

Plaintiff is directed to file evidence affidavits of all the witnesses within thirty days from today with an advance copy to the defendants.

Put up for PE on 02.09.2024.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
03.06.2024.