

5 RCA DJ 88/24

YASH PAHARIA Vs. East Delhi Municipal Corporation

24.01.2025

At 10:34am

Present: Sh. Pankaj Chawla, Ld. Counsel for appellant along with appellant in person.
Sh. Vijay Tyagi and Sh. Hemant Kumar, Ld. counsels for R-1/MCD and R-2.
None for R-3.
R-4 in person.

Reply and status report filed on behalf of MCD/respondent no.1 on 21.01.2025.

An application under Order XXXIX Rule 2A r/w Section 151 CPC and application under Order XXII Rule 10 r/w Section 151 CPC filed on behalf of appellant. Copy supplied to Ld. counsel for R-1 and R-2 and R-4 in person.

Ld. counsel for R-1 and R-2 and R-4, on instructions and legal advise respectively, submit that they have no objection if application under Order XXII Rule 10 r/w Section 151 CPC be allowed and M/s Qureshi Int. DS-Max FNF Consortium Pvt. Ltd. in place of M/s Frigorifico Allana Ltd.

It is submitted by Ld. counsel for R-1 and R-2 that the contract of M/s Frigorifico Allana Ltd. with R-1 had expired and R-1 has given a new contract of lease to M/s Qureshi Int. DS-Max FNF Consortium Pvt. Ltd. for operating and collecting monthly usage charge/fees from the allottee of the site in

(2)

Ghazipur Slaughter House. It is further submitted that at present, the entire Ghazipur Slaughter House is under the control of M/s Qureshi Int. DS-Max FNF Consortium Pvt. Ltd.

Heard. File and application perused.

In view of the submissions, contentions made in the application and considering that the earlier contract of M/s Frigorifico Allana Ltd. had expired and new contract of lease has been given to M/s Qureshi Int. DS-Max FNF Consortium Pvt. Ltd., therefore, the application under Order XXII Rule 10 r/w Section 151 CPC is hereby **allowed and M/s Qureshi Int. DS-Max FNF Consortium Pvt. Ltd. is substituted as R-3 in the present appeal in place of M/s Frigorifico Allana Ltd.**

Application under Order XXII Rule 10 r/w Section 151 CPC is accordingly disposed of.

Amended memo of parties is taken on record.

Issue notice of the present appeal upon R-3 namely M/s Qureshi Int. DS-Max FNF Consortium Pvt. Ltd. on filing of PF/RC, returnable for NDOH.

PF be filed within 03 days from today.

TCR be summoned for NDOH.

R-1, R-2 and R-4 are directed to file reply of the application under Order XXXIX Rule 2A r/w Section 151 CPC within 30 days from today with an advance copy to Ld. counsel for appellant.

Ld. counsel for appellant submits that the application under Order XXXIX Rule 1 and 2 CPC has become infructuous because R-1 to R-3 have taken the possession of the

(3)

suit premises and are not allowing the appellant from entering into the suit premises.

In view of the submissions and considering the order dated 11.11.2024, the application under Order XXXIX Rule 1 and 2 CPC is hereby **dismissed being infructuous.**

Application under Order XXXIX Rule 1 and 2 CPC is accordingly disposed of.

Put up for reply and arguments on the application under Order XXXIX Rule 2A r/w Section 151 CPC and arguments on the appeal on **21.03.2025.**

Date is given as per the convenience of Ld. counsels.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
24.01.2025