



\$~2 (Appellate Side)

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

CNR No. DLHC010203032025

+ **CONT.CAS(C) 561/2025**

SHYAM SUNDER

.....Petitioner

Through: Mr. Ninad Dogra, Adv. (through v/c)
versus

ASHWANI KUMAR & ORS.

.....Respondents

Through: Mr. Chetanya Singh, Adv. (through
v/c).

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **25.08.2026**

CM APPL.57624/2026 (filed on behalf of petitioner seeking recalling of order dated 23.03.2026)

CM APPL.57625/2026 (seeking condonation of delay of 141 days in filing the application for recalling of order)

1. The present application/s seek recall of the order dated 23.03.2026.

The same reads as under:

1. None appears for the petitioner.
2. Status Report has been filed on behalf of the MCD, which reads as under:

"4. That, so as to ascertain factual position about subject property, site was inspected by the concerned field staff. During inspection, it has been noticed that the entire unauthorised construction, for which action u/s 343/344 of the DMC Act was initiated by this answering respondent vide U/c file No. 300/UC/EE(B)-I/CNZ/2024 dated 16.08.2024 has already been removed by the Owner/Occupier of the property. Photographs showing the present status of the property are annexed herewith as Annexure:A."

3. Considering the aforesaid circumstances and the non-appearance of the petitioner, the present petition stands disposed of.



2. The application avers that the non-appearance of the petitioner's counsel on 23.03.2026 was on account of the fact that he was travelling to Chandigarh for other professional work. However, the same affords no ground for the recall of the order dated 23.03.2026.
3. In any event, a perusal of the said order indicates that the same is predicated on a Status Report filed by the MCD, whereby it was stated that the unauthorized construction, which is the subject matter of the petition, stands removed.
4. In the circumstances, no ground is made out to recall the order dated 23.03.2026.
5. Needless to say, in case the petitioner is aggrieved on account of any deficiency in the action taken by the MCD, the petitioner shall be at liberty to avail appropriate remedies as per law.
6. Application/s stand disposed of.

SACHIN DATTA, J

AUGUST 25, 2026/at/sd