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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5259/2022**
SH. JOGINDER SINGH SETHI & ANR.

..... Petitioners

Through: Mr.Rakesh Munjal, Sr. Adv.
with Mr.Rakesh Kumar,
Mr.Sunil, Mr.Lokesh Kumar,
Advs.

versus

STATE (GOVT OF NCT OF DELHI) AND ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP. along
with SI Arun Ahlawat.
Mr.Kamal Mehta & Mr.B.S.
Tiwari, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **03.05.2024**

CRL.M.A. 1654/2023

1. This application has been filed by the respondent no.2 seeking dismissal of the petition being not maintainable.
2. It is contended that as the petition has been filed through a Special Power of Attorney holder, that is, daughter of the petitioners, in view of the judgments of the Supreme Court in *T.C. Mathai & Anr. v. District & Sessions Judge, Thiruvananthapuram, Kerela*, (1999) 3 SCC 614; *Jimmy Jahangir Madan v. Bolly Cariyappa Hindley*, (2004) 12 SCC 509; and of this Court in *Amrinder Singh, Through: SPA Holder Sukhjinder Singh v. The State of NCT of Delhi*, 2022 SCC OnLine Del 24, the petition is not maintainable.



3. The learned senior counsel for the petitioners has stated that to get over the above objection, the petitioners have now filed their own respective affidavits confirming that the petition be treated as having been filed by them. They have also executed a *vakalatnama* duly authorizing a counsel to represent them in this petition.

4. Though there is a defect in the attestation of the affidavit, the learned counsel for respondent no.2 does not press this application any further. The application is accordingly disposed of.

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5. The learned counsel for respondent no.2 prays for time to file a reply. Let the same be filed within a period of four weeks.

6. Rejoinder thereto, if any, be filed within a period of four weeks thereafter.

7. List on 22nd August, 2024.

NAVIN CHAWLA, J

MAY 3, 2024/rv/RP

Click here to check corrigendum, if any