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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RSA 47/2009

DHRUV KUMAR GUPTA

.... Appellant

Through: Mr. Ramesh Chandra, Sr. Adv.
with Mrs. Ratnam Nagar, Adv.

versus

D.D.A.

..... Respondent

Through: Nemo.

CORAM:

HON'BLE MS. JUSTICE ARUNA SURESH

ORDER

16.09.2009

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CM APPL.5282/2009 (exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

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Appellant Dhruv Kumar had filed two suits against the respondent DDA. Both the suits were dismissed by the trial court and the judgment and decree of the trial court were upheld by the First Appellate Court vide judgment and decree dated 24.11.2008.

Appellant had earlier filed an appeal being RSA No.32/2009 against the respondents pertaining to the land which is the

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subject matter of this appeal as well. This court vide detailed order dated 12.08.2009 was pleased to dismiss the said appeal with the observation that no substantial question of law can be formulated under the facts and circumstances of this case. This court considered the scheme underlying of the Land Acquisition Act while upholding the judgment and decree of the trial court as well as that of the First Appellate Court to conclude that Civil court had no jurisdiction to entertain the suit.

Under the circumstances, the question whether substantial question of law as suggested in the appeal needs formulation stands fully dealt with and answered in RSA No.32/2009 titled as '*Dhruv Kumar Gupta vs. Union of India & Ors.*' between the parties to the present appeal in respect of the same land. Hence, no other order can be passed in this appeal. The said order is binding on the parties.

Mr. Ramesh Chandra, learned senior counsel appearing for the appellant has fairly conceded that in view of the findings of this court in RSA No.32/2009 he has nothing to add further to press this appeal and rightly so. The appellant cannot be allowed to agitate and re-agitate the same issue by filing two separate

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suits and consequent appeals.

Since no substantial question of law is involved in this appeal, the same is accordingly dismissed.


ARUNA SURESH, J.

SEPTEMBER 16, 2009
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