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

+ LPA 463/2016

JAI NARAIN SHARMA & ORS

..... Appellants

Through: Mr. Chetan Sharma, Sr. Adv. with
Mr. Atul Sharma & Mr. Amit Gupta, Advs.

Versus

MANMOHAN SINGH & ORS

..... Respondents

Through: None for R-1.
Mr. Peeyoosh Kalra, ASC for R-2/GNCTD.
Mr. Mukesh Gupta, SC for R-3/SDMC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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22.08.2016

Caveat Nos.731/2016, 732/2016, 733/2016, 734/2016, 735/2016 & 736/2016

None appeared for the respondent No.1/caveator.

CM No.30336/2016 (*exemption*)

Allowed, subject to all just exceptions.

LPA No.463/2016 & CM No.30335/2016 (*stay*)

1. The grievance of the appellants in the present appeal is only with regard to Para 5 of the order under appeal which reads as under:

“5. Pending any decision/judgment passed by competent Court/Forum/Tribunal, the private respondents as well as applicants and their agents, attorneys, successors or any other

persons shall have no right, title or interest in the said area as well as not claim any passage through this area and will not in any manner interfere with the construction or operation of the park.”

2. It is submitted by Mr.Chetan Sharma, learned Senior Counsel appearing for the appellants that though the appellants are taking steps to initiate appropriate proceedings for redressal of their grievance, the above observations/findings of the learned Single Judge are adversely affecting the rights of the appellants and that the same would come in the way of adjudication of the rights of the appellants by the competent forum.

3. However, we found that it was made clear in Para 9 of the order under appeal itself that this court has not expressed any opinion on the merits of the rival claims. Hence, though it appears to us that the apprehension of the appellants is without any basis, to meet the ends of justice we make it clear that any of the observations/findings recorded by the learned Single Judge in the order under appeal shall not be treated as conclusive and that the same shall not come in the way of the competent forum/tribunal, before which the proceedings are stated to have been filed/to be filed by the appellants, and that the matter shall be decided on its own merits following due process of law.

4. The appeal stands disposed of accordingly.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

AUGUST 22, 2016/kks