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

+ EX.S.A. 3/2016 and C.M. Nos.17103/2016 & 17104/2016 (for directions)

KEWAL JOSHI

..... Appellant

Through: Mr. Abhishek Ghai, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Mr. Ajay Verma, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **03.05.2017**

1. This Regular Second Appeal is filed by the plaintiff in the suit. The appellant/plaintiff obtained a judgment and decree dated 24.2.2000 as per which in case the respondent/defendant/Delhi Development Authority (DDA) was to sell the suit land, then, the appellant/plaintiff had first to be offered the right to purchase the suit land. The respondent/defendant/DDA has filed an affidavit in this Court on 22.9.2016 making it clear that respondent/defendant/DDA has not sold the land to any third party and has not disobeyed the decree. Para 11 of the affidavit dated 22.9.2016 reads as under:-

“11. In this regard it is submitted that as per the order of the

Hon'ble Court dated 2/6/2004, DDA has not sold the land to any third party and the order has not been disobeyed in any manner and on my account whatsoever. Horticulture Division 10 has developed this land as Green Belt, known as Ajij Baksh Walle Bagh, Beri Walla Bagh and this orchard gets auctioned for 11 months every year by the Horticulture Department, strictly adhering to the norms and conditions. The land is very much in possession of DDA and no piece or part of the land has at all been alienated or sold to any third person."

2. Accordingly, it is found that there is no violation of the judgment and decree dated 24.2.2000.

3. At this stage, counsel for the appellant states that appellant/plaintiff is satisfied by para 11 of the affidavit dated 22.9.2016 and accordingly it is agreed and the appeal is disposed of by taking on record the affidavit of the respondent/defendant dated 22.9.2016 including in the same para 11 as stated above.

4. Appeal is accordingly disposed of.

VALMIKI J. MEHTA, J

MAY 03, 2017

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