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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 1024/2017 and C.M. Appl. No. 44148/2017 (for stay)

HARBANS LAL NARULA THROUGH HIS LRS Appellant
Through: Mr. Manish Kohli, Mr. Piyush
Singhal and Mr. Aqueel Ahmed,
Advocates.
versus

UOI AND ORS Respondents
Through: Mr. Rajesh Gogna, Advocate for R-1.
Mr. Gurmehar S. Sistani, Advocate
for R-3.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **19.03.2018**

1. A judgment dated 17.7.2017 was passed by the same learned Additional District Judge (ADJ) in Civil Suit No. 6/17/92 titled as Shri Krishan Lal Vs. Union of India and Delhi Development Authority (DDA) who has passed the impugned judgment in this case dated 1.8.2017. Identical directions which were passed in the present impugned judgment in paragraphs 138 and 139 were also passed by the same learned ADJ in the judgment dated 17.7.2017 in Civil Suit 6/17/92 in paragraphs 63 and 64.

2. Both the parties being the plaintiff and defendants to the judgment dated 17.7.2017 challenged the judgment dated 17.7.2017 by filing RFA 918/2017 and RFA 661/2017. RFA 918/2017 was allowed by the order dated 3.11.2017 setting aside the costs which were imposed on DDA by the judgment dated 17.7.2017. RFA 661/2017 filed by the plaintiff-Krishan Lal against the judgment dated 17.7.2017 was allowed by the order dated 15.3.2018 passed by this Court, and which order reads as under:-

“1. Learned senior counsel for the appellant, on instructions from the appellant, states that judgment passed by this Court on 8.8.2017 is not to be challenged by the appellant any further. It is also stated that appellant has handed over possession of the suit premises to the respondents. Accordingly it is agreed by the parties that costs imposed of Rs.7 crores on the appellant/plaintiff by the trial court in terms of the impugned judgment is set aside noting that costs imposed upon Delhi Development Authority (DDA) by the self same judgment have also otherwise been set aside by the order dated 3.11.2017 in RFA No.918/2017.

2. This order is without prejudice to the rights of the respondent no.2 with respect to claiming mesne profits, of course in accordance with law, and in which proceedings appellant will always be entitled to plead all defences of facts and law.”

3. In view of the fact that identical directions which have been issued in terms of paragraphs 138 and 139 of the impugned judgment were also the subject matter of RFAs 661/2017 and 918/2017, the present appeal is also disposed of in terms of the order dated

15.3.2018 except by noting that the costs imposed in the present judgment upon the appellant/plaintiff is Rs.10 crores whereas costs imposed on the plaintiff- Krishan Lal in his suit was a sum of Rs.7 crores.

4. I may note that DDA had challenged the present impugned judgment dated 1.8.2017 in RFA 940/2017 and this RFA 940/2017 was allowed by order dated 8.11.2017 by setting aside the costs imposed upon DDA and which were identical costs which were imposed in terms of the judgment dated 17.7.2017 in the suit filed by Krishan Lal. This order dated 8.11.2017 allowing RFA 940/2017 reads as under:-

“C.M. No.40321/2017 (exemption)”

Exemption allowed subject to just exceptions.
C.M. stands disposed of.

RFA No.940/2017 and C.M. No.40322/2017 (stay)

1. Counsel for the appellant presses this appeal only for setting aside of the directions contained in para 139 of the impugned judgment imposing costs of Rs.25 lacs on DDA. It is stated that the appellant will however comply with directions contained in para 140 of the impugned judgment that a detailed enquiry will be conducted against the negligent/erring officials of the appellant.

2. In my opinion, the directions contained of imposition of costs of Rs.25 lacs on the DDA which was defendant in the suit was not justified once the suit itself of the respondent/plaintiff stood dismissed. However, DDA will ensure that the vigilance enquiry is conducted against the negligent/erring officials and report be filed in the trial court positively within three months from today, failing which trial court can pass

appropriate directions. Affidavit in this Court be filed by the appellant within six weeks to comply with the directions contained in para 140 of the impugned judgment which are affirmed by this Court.

3. Appeal is accordingly allowed and disposed of with the aforesaid observations.”

5. In view of the above discussion, this appeal is also allowed and disposed of *mutatis mutandis* as per the order dated 15.3.2018 passed in RFA 661/2017 and which has already been reproduced above.

VALMIKI J. MEHTA, J

MARCH 19, 2018

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