



\$~21

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

+ **RSA 33/2023**

R.K. POPLI

.....Appellant

Through: **Mr. Rajesh Bhatia, Adv.**

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: **Mr. Gaganmeet Singh Sachdeva,**
Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

30.09.2024

1. The learned counsel appearing for the appellant, while drawing the attention of this Court to order dated 25.03.2008 passed in CM(M) 4212/2008 in W.P.(C) 23136/2005 and also the Division Bench order in Writ Petition No. 23136/2005 dated 08.12.2008, submits that the Court specifically directed for maintenance of status quo with respect to properties of the applicant of CM(M) 4212/2008. In addition, learned counsel also pointed out order dated 21.07.2015 in W.P.(C). 6863/2009 and then contends that, in view of the aforesaid binding directions, the finding rendered by the Appellate Court in paragraph no.15 becomes susceptible and therefore, the same deserves to be set aside.

2. Learned counsel further submits that when in paragraph no.13, the Appellate Court has unequivocally recorded that the possession of the



appellant over the land in question is supported by the various documents of the Corporation and, therefore in all fairness, the legal possession of the appellant ought to have been protected and decree of permanent injunction should have been granted.

3. I have considered the submissions made by learned counsel appearing on behalf of the appellant and have also perused the material placed on record.

4. Paragraph no.15 & 16 of the Appellate Court order reads as under:-

*"15. Thus, in view of the forgoing analysis and observations, there is no merit in appeal and thus, this appeal qua the judgment of Learned Trial Court dated 11.08.2017 is hereby dismissed, with, no order as to costs. Further, it is also to be noted at the same time that respondent/defendant number 1 is now not liable to make any payment to the appellant/plaintiff. Decree sheet be prepared accordingly.
16. Copy of this judgment be sent along with Trial Court Records."*

5. It is thus noted that as per the position taken by the Corporation, the demolition has already been carried out in the year 2007-08 to widen the road in front of the houses of the appellant. It has also been observed by the Appellate Court that the appellant's civil suit, which was instituted on 20.11.2013, was for the relief of permanent injunction to restrain the defendant from demolishing of any portion of their houses.

6. Having noted the aforesaid finding and the prayer made in the civil suit, the Court does not find any substantial question of law to have arisen for consideration in the instant appeal.

7. The instant appeal stands dismissed.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 30, 2024/KG