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

+ LPA 679/2025, CM APPL. 69941/2025, CM APPL. 69942/2025, CM APPL. 69943/2025 & CM APPL. 69944/2025

MUNICIPAL CORPORATION OF DELHIAppellant
Through: Mr. Sanjay Vashishtha, Adv.

versus

AYODHYA PRASAD & ANR.Respondents
Through: Mr. S. K. Rout and Mr. Rahul Kumar,
Ms. Parmita Nath, Adv.

54.

+ LPA 683/2025, CM APPL. 70130/2025, CM APPL. 70131/2025, CM APPL. 70132/2025 & CM APPL. 70133/2025

MUNICIPAL CORPORATION OF DELHIAppellant
Through: Mr. Sanjay Vashishtha, Adv.

versus

JYOTSNA GUPTA & ANR.Respondents
Through: Mr. S. K. Rout and Mr. Rahul Kumar,
Ms. Parmita Nath, Adv.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
11.11.2025

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1. Heard the learned counsel for the parties.
2. These two intra-court appeals seek to take exception to an order dated 05.08.2025 passed by the learned Single Judge in an appeal under Section 54 of Land Acquisition Act, 1894, whereby the learned Single Judge has



rejected the application seeking modification of the order dated 30.05.2025. *Vide* order dated 30.05.2025, the learned Single Judge had directed the appellant to make 100% deposit of the decretal amount whereupon an application was moved seeking modification of the said order, whereby a prayer was made to reduce the amount to be deposited from 100% decretal amount to 25%. We are afraid, for two reasons, the appeals cannot be entertained, which are as under:-

i. Firstly, Section 10 of Delhi High Court Act, 1966 provides that an appeal shall lie from the judgment of a Single Judge to a Division Court of this High Court, where learned Single Judge exercises ordinary original civil jurisdiction conferred by Sub-Section (2) of Section 5 of the said Act. The order sought to be appealed against is not an order passed by the learned Single Judge in exercise of its ordinary original civil jurisdiction, rather the said order has been passed in exercise of appellate jurisdiction conferred on the learned Single Judge under Section 54 of the Land Acquisition Act, 1894.

ii. Secondly, Clause X of Letters Patent clearly provides that an appeal shall lie to the Division Bench against a judgment passed by learned Single Judge, not being a judgment passed in exercise of appellate jurisdiction.

3. Admittedly, the impugned order has been passed in the proceedings instituted by the appellant under Section 54 of the Land Acquisition Act, which are appellate proceedings 1894. Thus, in view of Section 10 of Delhi High Court Act, 1966 as also Clause X of Letters Patent, the instant appeal is not maintainable.

4. Further, the order that has been appealed against is purely an



interlocutory order, which does not decide any issue arising between the parties, rather, it is an order which refuses to modify an earlier order whereby the appellant was directed to make deposit of 100% decretal amount. Thus, we refuse to entertain these appeals which are hereby dismissed.

5. The appeals have been preferred by the Municipal Corporation of Delhi, which is a public authority and such frivolous appeals are not expected to be filed as preferred by a public authority. This persuades us to impose a cost of Rs.10,000/- in each of the appeals, which shall be deposited by the appellant within a period of one month in favour of *Delhi High Court Bar Clerk's Association* drawn on UCO Bank, Delhi High Court Branch having Account No.15530100006282 (IFSC Code- UCBA0001553). The Appellant shall file an affidavit of compliance within a period of a week thereafter.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 11, 2025/j