



\$~23 (2022 Cause List)

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

+ RSA 26/2022

DELHI DEVELOPMENT AUTHORITY Appellant
Through: Mr. Bharat Gupta, Advocate
(Mobile No. 9810444651).

versus

SATISH MONGA & ORS. Respondents
Through: Mr. Anupam Srivastava, ASC,
GNCTD with Ms. Dhairya Gupta,
Advocate for R-3 and R-4.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

% **ORDER**
14.03.2022

The proceedings in the matter have been conducted through hybrid mode [physical and virtual hearing].

CM APPL. 12716/2022 (for exemption)

Exemption allowed, subject to all just exceptions.

This application stands disposed of.

RSA 26/2022 & CM APPL. 12715/2022 (for stay)

1. The present appeal is directed against the judgment dated 15.11.2021 passed by the learned Principal District & Sessions Judge, South West, Dwarka Courts, New Delhi ["First Appellate Court"] in RCA No. 116/2019 [*Satish Monga vs. Rishi Katoch & Ors.*]
2. By the impugned order, the First Appellate Court has set aside the



judgment dated 25.05.2018 passed by the Senior Civil Judge, South West, Dwarka, Delhi, dismissing the suit filed by the respondent No. 2 herein (CS No. 26724/2016).

3. The suit, wherein the plaintiff sought permanent injunction against dispossession from the suit property, was dismissed by the Trial Court holding that the Delhi Development Authority has acquired the suit property by virtue of two notifications, first dated 24.10.1994 under Section 507 of the Delhi Municipal Corporation Act, 1957 and the second dated 19.08.2002 under Section 22(1) of the Delhi Development Act, 1957.

4. The First Appellate Court has reversed this finding on the ground that the Trial Court had not rendered any finding on the point as to whether the suit property was acquired under the Land Acquisition Act, 1894.

5. Issue notice. Mr. Anupam Srivastava, learned counsel, accepts notice on behalf of respondent Nos. 3 and 4. Notice to respondent Nos. 1 and 2 be served through counsel appearing on their behalf before the Trial Court or the First Appellate Court.

6. List on 13.07.2022.

PRATEEK JALAN, J

MARCH 14, 2022

‘vp’/