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

+ **RSA 84/2024**

KAMAL KISHORE BAGGA Appellant

Through: Mr. Tanmay Mehta, Mr.
Manish Gandhi, Mr. Ankit and Mr. K.K.
Goel, Advocates

versus

BALBIR SINGH & ORS. Respondents

Through: Mr. Karan Bhardwaj, ASC with
Mr. Shubham Singh, Mr. Rajat Gaba and
Mr. Saurabh Dahiya, Advocates for R3
Mr. R.K. Dhawan, Standing Counsel for
DSIIDC with Ms. Nisha Teng, Ms. Shiwani
Taneja and Mr. Waseem Ahmad, Advocates
for R4

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

% **ORDER**
16.05.2024

1. The controversy in this case is whether the learned Trial Court and the learned First Appellate Court could have passed the impugned order in exercise of the power conferred under Order XII Rule 6 of the Code of Civil Procedure, 1908 (CPC). It appears, *prima facie*, from the record that the limited parameters in which the Court has to exercise jurisdiction under Order XII Rule 6 of the CPC appears to have been transgressed by the impugned orders in this case. As such, for the present, the Court frames the following substantial question of law as arises for consideration :



(i). Whether judgment dated 29 April 2017 of the learned Trial Court and the judgment dated 22 December 2013 of the learned Additional District Judge in first appeal can be said to have rightly invoked under Order XII Rule 6 of the CPC?

2. Issue notice.

3. Mr. R.K. Dhawan submits that Respondent 4 should actually be the DSIIDC. Learned counsel for the appellant undertakes to amend the memo of parties and implead Respondent 4 accordingly.

4. Notice is accepted on behalf of Respondent 4 by Mr. R.K. Dhawan.

5. Notice is accepted on behalf of Respondent 3 by Mr. Rajat Gaba.

6. Let notice issue to Respondent 1 and 2 including *dasti*. Additionally, notice be issued to the said respondents through the learned counsel who appear on their behalf before the court below.

7. List on 23 October 2024 for further consideration.

8. Both sides are directed to place on record short notes of their respective submissions not exceeding five pages each, after exchanging copies with each other at least a week in advance of the next date of hearing.



9. Till the next date of hearing, there shall be stay of the operation of the impugned judgment dated 22 December 2023 passed by the learned ADJ.

C.HARI SHANKAR, J

MAY 16, 2024/yg

Click here to check corrigendum, if any