

to the learned Trial Court for fresh adjudication.

5. The appellant preferred a R.S.A. under Section 100 of CPC in R.S. No. No. 188 of 2013 before the High Court assailing the order dated 14.3.2013 passed by the ADJ (5). The respondent-DDA also preferred R.S.A. No. 158 of 2014 before the High Court assailing the order passed by ADJ (5) on 9.05.2013.

6. The High Court vide impugned judgment dated 24.03.2015 was pleased to allow the R.S.A No. 158/2014 preferred by the DDA against the remand order and dismissed the R.S.A. No 188 of 2013 preferred by the appellant against the order passed by the First Appellate Court reversing the findings of the Trial Court.

7. Heard the learned counsel for the parties at length. We are of the opinion that the learned ADJ ought to have decided both the appeals together but he has chosen to decide only the question of permanent injunction in one appeal and remanded the case in another appeal. The learned ADJ decided the issue as to the question of declaration of title in the other appeal and remanded the matter back to the Trial Court for recording evidence.

8. In the facts and circumstances of the case, we find that when the issue with respect to declaration of title was framed, it was necessary to decide the question of permanent injunction along with issue of title as grant of permanent injunction may depend on that.

9. In the circumstances, we uphold the order passed by the

First Appellate Court remanding the matter to Trial Court and at the same time we set aside the judgment of the High Court in the appeals as well as that of First Appellate Court dismissing the appeal in regard to permanent injunction. The judgment and decree of the Trial Court is also set aside. The Trial Court shall decide the issue of injunction as well as declaration of title afresh after permitting the plaintiff to adduce additional evidence. Delhi Development Authority will also be allowed an opportunity adduce evidence. Let fresh decision be rendered by the Trial Court in accordance with law after recording evidence. Let the evidence be recorded within a period of six months. Within two months thereafter, decision may be rendered. Status quo existing as on today will be maintained till the decision of the case.

The appeals are allowed, accordingly.

.....J.
(ARUN MISHRA)

.....J.
(AMITAVA ROY)

New Delhi;
FEBRUARY 23, 2017.

ITEM NO.50

COURT NO.12

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).10175-10176/2016

(Arising out of impugned final judgment and order dated
24/03/2015 in RSA No. 158/2014 24/03/2015 in RSA No. 188/2013
passed by the High Court Of Delhi At New Delhi)

RATAN SINGH VYAMSALA SAMITI

Petitioner(s)

VERSUS

DELHI DEVELOPMENT AUTHORITY
(with interim relief and office report)

Respondent(s)

Date : 23/02/2017 These petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Sanpreet Singh Ajmani, Adv.
Mr. Manohar Pratap, Adv.
Mr. Gaurav Kumar, Adv.
Ms. Manju Jetley, Adv.

For Respondent(s) Mr. Ashwani Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed
order.

(B.Parvathi)
Court Master

(Tapan Kr. Chakraborty)
Court Master

(Signed order is placed on the file)