

ITEM NO.112

COURT NO. 7

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

CIVIL APPEAL NO(s). 4362 OF 2007

DELHI DEVELOPMENT AUTHORITY

Appellant (s)

VERSUS

M.L.AGGARWAL

Respondent(s)

(With office report)

Date: 26/11/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI

HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Vishnu B. Saharya, Adv.
M/S Saharya & Co., Adv.

For Respondent(s) Ms. Asha Jain Madan, Adv.(NP)

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

The appeal is dismissed in terms of the signed order.

(KALYANI GUPTA)
SR. P.A.

(VINOD KULVI)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4362 OF 2007

DELHI DEVELOPMENT AUTHORITY

.....

APPELLANT

VERSUS

M.L. AGGARWAL

.....

RESPONDENT

O R D E R

We have heard the learned counsel for the appellant at length.

We are of the opinion that the finding of the High Court that the allotment would be covered by Rule 17 of the Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981, appears to be correct as on the date of draw of lots the aforesaid rules had become operative. Moreover, in the light of the fact that on the day when the respondent's wife had sought an allotment of a plot she had not yet been married to the respondent and the respondent has,

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accordingly, stated that he was unaware of the fact that she owned a plot measuring 35 square yards is a finding which we are not inclined to disturb.

We are thus not inclined to interfere with the impugned order in the peculiar facts and circumstances of the case. The appeal is, accordingly, dismissed.

.....J
[HARJIT SINGH BEDI]

.....J
[T.S. THAKUR]

NEW DELHI
NOVEMEBR 26, 2009.