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

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Decision delivered on: 11.07.2024+ **RFA(COMM) 188/2024, CM Nos.29519-22/2024 & 29541/2024****MUNICIPAL CORPORATION OF DELHIAPPELLANT**

Through: Mr Sanjeev Sagar, Standing Counsel with Ms Nazia Parveen, Mr Rishabh Malik, Mr Vikas Sharma, Mr Shivam, Mr Kishan Pal Chauhan, Mr Girish Kumar Garg and Mr Praveen Kumar, Advs. for MCD.

versus

M/S RAM NIWAS GOEL**.....RESPONDENT**

Through: Mr Avinash Trivedi, Ms Ritika Trivedi, Mr Anurag Kaushik, Mr Rhythem Nagpal and Mr Jatin Arora, Advs.

CORAM:**HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MS. JUSTICE TARA VITASTA GANJU****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (ORAL):****CM No.29519/2024**

1. Allowed, subject to just exceptions.

RFA(COMM) 188/2024, CM Nos.29520-22/2024 & 29541/2024

2. This appeal is directed against the observations made in paragraph 14 of the impugned judgment dated 01.12.2023 passed by Mr Ravinder Bedi, learned District Judge (Commercial Court)-12, Central District, Tis Hazari Courts, Delhi.



3. Mr Sanjeev Sagar, learned standing counsel, who appears on behalf of the appellant/Corporation, says that the decree stands satisfied and the appeal, as indicated above, is preferred *qua* the observations made by the trial court.

4. Learned counsel for the respondent says that the observations came to be made by the trial court because of the persistent conduct of the appellant/Corporation in taking legal defences which stand covered by the decisions of the superior courts, including this Court.

5. It is the submission of learned counsel for the respondent that such averments in the written statement preferred by the appellant/Corporation slows down the trial, costs money, and dilutes the authority of law.

5.1 In support of his plea, learned counsel for the respondent also relies upon the judgment of the learned Single Judge of this Court passed in *North Delhi Municipal Corporation v. Vipin Gupta*, 2018 SCC OnLine Delhi 8036.

6. We have heard learned counsel for the parties. Given the fact that the appellant/Corporation has paid the decretal amount in the instant case, we intend to give the appellant/Corporation one more opportunity to ensure that a system is put in place so that pleadings are scrutinized by the Chief Law Officer before they are filed in courts.

7. The Chief Law Officer shall ensure that the issues which already stand covered by the judgments rendered by the superior courts are not taken up without due application of mind concerning the facts obtaining in a particular case. Therefore, the appeal is disposed of with the following directions:

(i) The Deputy Commissioner (Law), Municipal Corporation of Delhi



(MCD) with the assistance of the Chief Law Officer, will evolve a protocol whereby pleadings are scrutinized so that the assertions or averments made in the pleadings are aligned with the law of the land.

(ii) A copy of the protocol devised by the Deputy Commissioner (Law) will be placed on this Court's record.

(iii) The burden of costs of Rs.20,000/- imposed by the trial court which was to be deposited with the Delhi Legal Services Authority (Central) will be borne by the appellant/Corporation.

8. List the matter for compliance on 04.09.2024.

9. The appeal is disposed of in the aforesaid terms. Consequently, the pending applications shall stand closed.

RAJIV SHAKDHER, J

TARA VITASTA GANJU, J

JULY 11, 2024

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