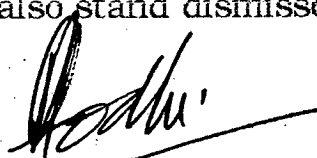


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Sr. No.	Date	Orders
		<p>* IN THE HIGH COURT OF DELHI AT NEW DELHI</p> <p>+ RSA 176/2003 & CM Nos. 587 - 588/2003</p> <p>NARENDRA PRASAD MATHUR Appellant Through Mr.Dinesh K.Gupta, Advocate.</p> <p>versus</p> <p>D.D.A. Respondent Through</p> <p>CORAM: HONBLE MR. JUSTICE R.S. SODHI</p> <p><u>ORDER</u> 17.10.2003</p> <p>%</p> <p>This Regular Second Appeal under Section 100 CPC is directed against the judgment and order dated 11th August, 2003, passed by the Additional District Judge, in RCA No. 133/2000, whereby the learned Judge dismissed the appeal preferred against the judgment and decree dated 3rd August, 2000, passed by the Sub Judge, Delhi in Suit No.390/1990.</p> <p>The appellant herein wants to raise fresh issues before me.</p> <p>The same cannot be permitted as the Supreme Court in</p> <p>contd....2/-</p>

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Sr. No.	Date	Orders
		<p style="text-align: center;">-2- RSA 176/2003</p> <p><i>Kondiba Dagadu Kadam Vs. Savitribai Sopan Gujar & Ors., JT</i></p> <p>1999 (3) SC 164 has held that :-</p> <p style="padding-left: 40px;">“In a case where from a given set of circumstances two inferences are possible, one drawn by the lower appellate court is binding on the High Court in second appeal. Adopting any other approach is not permissible. The High Court cannot substitute its opinion for the opinion of the first appellate court unless it is found that the conclusions drawn by the lower appellate court were erroneous being contrary to the mandatory provisions of law applicable or its settled position on the basis of pronouncements made by the apex Court, or was based upon inadmissible evidence or arrived at without evidence.”</p> <p style="padding-left: 40px;">In view of the above, RSA 176/2003 is dismissed.</p> <p>Consequently, CM Nos. 587 - 588/2003 also stand dismissed.</p> <div style="text-align: right; margin-right: 100px;">  R.S. SODHI, J </div> <p style="padding-left: 40px;">OCTOBER 17, 2003</p> <p style="padding-left: 40px;">bp</p>