



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: 26.05.2026

Date of decision: 24.07.2026

+ EFA(OS) 16/2012
BRIJ LAL & SONS

.....Appellant

Through: In person.

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Ms. Manika Tripathy, Adv.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MS. JUSTICE RENU BHATNAGAR

J U D G M E N T

CM APPL. 34189/2026 in EFA(OS) 16/2012 (disposed of)

1. The present application has been filed on behalf of Tilak Raj Gogia/son of the Appellant in the captioned appeal seeking following reliefs:

“(i) Allow the present petition as in the heading u/s 96 to 98, 103, 104, XXXIV rule 11 interest.

(ii) Pay cost Rs. 1.50 Lakh as mentioned in the order 15-04-2026 at page no.-2.

(iii) Pay cost Ex.S.A. 4/19, Ex 226/2002, Ex. No.348/2008 & EFA-16/12.

(iv) Unnecessary harassment by the respondent in the execution filled by the petitioner and the same amount may be doubled in five year.

(v) Pay Rs. 5,00,000/- as a compensation harassment & transportation charges.

(vi) The court may direct to pay 18% interest instead

(vii) Rs. 7.67/- lakh interest i.e. 18-01-1989 to till date make the payment of 12%.”

2. At the outset, learned counsel for respondent raises objection with respect to the maintainability of the present application. Since the objection pertains to the jurisdiction of this Court to entertain the application after



disposal of the appeal, it is necessary to examine the issue before considering the merits of the reliefs sought.

3. The record shows that the captioned Execution First Appeal bearing No. 16 of 2012 was finally disposed of by judgment dated 23.01.2013. With the disposal of the appeal, the proceedings before this Court came to an end and the judgment attained finality. It is also significant that several of the reliefs claimed in the present application are founded on events and proceedings subsequent to the disposal of the present appeal, including the judgment dated 15.04.2026 passed in EX.S.A. 4/2019. These developments took place after the present appeal had already been finally decided and the proceedings before this Court had come to an end. In effect, the Applicant seeks to invoke the jurisdiction of this Court in a matter that had already attained finality long before the alleged cause of action arose. Such a course is not contemplated by law and cannot be permitted.

4. The present application does not seek any clarification of, or direction for implementation of, the said judgment. Instead, the Applicant seeks enhancement of the rate of interest, award of compensation, reimbursement of alleged expenses, costs said to have been incurred in various proceedings, revival of execution proceedings and, in effect, a fresh determination of claims which have already been considered and decided by competent courts over the course of litigation spanning more than three decades.

5. It is a settled principle that the Court must look to the substance of a proceeding and not merely the label assigned to it. Merely describing the present proceedings as a miscellaneous application does not alter their true nature. A plain reading of the prayers leaves no room for doubt that the



Applicant seeks substantive reliefs which necessarily require reconsideration of issues that already stand concluded. In substance, the present application is an attempt to reopen final adjudications and secure a rehearing of matters that have attained finality. Such an exercise cannot be undertaken in the guise of a miscellaneous application, which cannot be treated as a substitute for an appeal, review or any other remedy recognised by law.

6. The record further reveals that the Applicant's claim relating to *pendentelite* and future interest on Claim No. 8 has repeatedly engaged the attention of different judicial forums. Pursuant to the arbitral award, the award was made a Rule of the Court and the decretal amount stood satisfied. The Applicant nevertheless initiated execution proceedings contending that further amounts remained payable. Those proceedings culminated in the order dated 14.10.2011, whereby it was held that nothing further was due. Thereafter, while disposing of EFA(OS) 16/2012 on 23.01.2013, the Division Bench directed the Respondent to re-compute the amount payable in terms of the corrigendum dated 04.03.1995. Consequently, the only issue that survived was the Applicant's claim for *pendente lite* and future interest on Claim No. 8.

7. That issue was thereafter examined in detail by the learned Executing Court. By order dated 01.06.2016, it was categorically held that neither the arbitral award dated 23.02.1995 nor the corrigendum dated 04.03.1995 awarded *pendente lite* or future interest on Claim No. 8. The review petition against the said order was dismissed on 27.11.2018. The Applicant thereafter preferred EX.S.A. 4/2019, wherein this Court, by judgment dated 15.04.2026, once again considered the very same contention and unequivocally held that no *pendente lite* or future interest had been granted on Claim No. 8 and that no



substantial question of law arose for consideration. That judgment has also attained finality.

8. Despite the issue having been conclusively settled, the Applicant has once again approached this Court seeking payment of interest allegedly payable from 18.01.1989 onwards, enhancement of the rate of interest to 18% per annum, compensation for alleged harassment, transportation charges, costs incurred in various proceedings and other consequential monetary reliefs. These prayers neither seek implementation of nor clarification regarding the judgment dated 23.01.2013. They are independent substantive claims which necessarily require reopening issues already adjudicated upon. Such reliefs cannot be entertained in proceedings arising out of an appeal that already stands disposed of.

9. It is equally pertinent to note that one of the reliefs sought by the Applicant is the enforcement of costs allegedly awarded by the judgment dated 15.04.2026 passed in EX.S.A. 4/2019. If the Applicant was of the view that the said judgment had not been complied with, or claimed any consequential relief flowing therefrom, the remedy, if any, lay in proceedings arising out of that judgment. Such subsequent events cannot be relied upon to reopen or revive proceedings in the present appeal, which had already been finally disposed of on 23.01.2013. To hold otherwise would, in effect, require this Court to assume jurisdiction in proceedings that had already concluded, a course which is plainly impermissible.

10. It is well settled that once a Court has finally decided a matter and the proceedings have concluded, it becomes *functus officio*, except to the limited extent permitted by law. Equally well established is the principle that judicial



decisions must attain finality. The administration of justice cannot permit repeated attempts to reopen concluded issues through successive miscellaneous applications merely because a litigant remains dissatisfied with the outcome.

11. In ***State of Punjab v. Davinder Pal Singh Bhullar & Ors.***, (2011) 14 SCC 770, the Supreme Court reiterated that once a matter has been finally adjudicated, it cannot be permitted to be re-agitated through successive proceedings. The Court emphasized that the principle of finality of litigation is fundamental to the administration of justice and cannot be defeated by repeated attempts to reopen issues that already stand concluded. The relevant paragraphs are reproduced below:

“43. The Supreme Court Practice 1995 published by Sweet & Maxwell in paragraphs 18/19/33 (p. 344) explains the phrase “abuse of the process of the court” thus:

“This term connotes that the process of the court must be used bona fide and properly and must not be abused. The court will prevent improper use of its machinery and will in a proper case, summarily prevent its machinery from being used as a means of vexation and oppression in the process of litigation.... The categories of conduct rendering a claim frivolous, vexatious or an abuse of process are not closed but depend on all the relevant circumstances. And for this purpose considerations of public policy and the interests of justice may be very material.”

44. One of the examples cited as an abuse of the process of the court is relitigation. It is an abuse of the process of the court and contrary to justice and public policy for a party to relitigate the same issue which has already been tried and decided earlier against him. The reagitation may or may not be barred as res judicata. But if the same issue is sought to be reagitated, it also amounts to an abuse of the process of



the court. A proceeding being filed for a collateral purpose, or a spurious claim being made in litigation may also in a given set of facts amount to an abuse of the process of the court. Frivolous or vexatious proceedings may also amount to an abuse of the process of the court especially where the proceedings are absolutely groundless. The court then has the power to stop such proceedings summarily and prevent the time of the public and the court from being wasted. Undoubtedly, it is a matter of the court's discretion whether such proceedings should be stopped or not; and this discretion has to be exercised with circumspection. It is a jurisdiction which should be sparingly exercised, and exercised only in special cases. The court should also be satisfied that there is no chance of the suit succeeding.”

(emphasis supplied)

12. Furthermore, in ***State of Uttar Pradesh v. Brahm Datt Sharma & Anr.***, (1987) 2 SCC 179, it was held as under:

“10. The High Court's order is not sustainable for yet another reason. Respondents' writ petition challenging the order of dismissal had been finally disposed of on 10-8-1984, thereafter nothing remained pending before the High Court. No miscellaneous application could be filed in the writ petition to revive proceedings in respect of subsequent events after two years. If the respondent was aggrieved by the notice dated 29-1-1986 he could have filed a separate petition under Article 226 of the Constitution challenging the validity of the notice as it provided as separate cause of action to him. The respondent was not entitled to assail validity of the notice before the High Court by means of a miscellaneous application in the writ petition which had already been decided. The High Court had no jurisdiction to entertain the application as no proceedings were pending before it. The High Court committed error in entertaining the respondent's application which was founded on a separate cause of action. When proceedings stand terminated by final disposal of writ petition it is not open to the court to reopen the proceedings by means of a miscellaneous application in respect of a matter which provided a fresh cause of action. If this principle is not followed there would be confusion and chaos and the finality of proceedings would cease to have any meaning.”



13. The principle enunciated in the aforesaid decision applies with greater force to the facts of the present case. The Applicant is not merely seeking to pursue a subsequent cause of action by filing a miscellaneous application in proceedings that have already concluded. The very basis of the present claim is a judgment rendered more than thirteen years after the disposal of the present appeal. Such subsequent developments cannot be relied upon to reopen proceedings that have long since attained finality or to revive a jurisdiction which had already come to an end with the disposal of the appeal.

14. Having exhausted the remedies available under law, the Applicant cannot seek to reopen the same controversy by filing the present miscellaneous application.

15. The Applicant has sought to invoke Sections 96 to 98, 103 and 104 of the Code of Civil Procedure, 1908, along with Order XXXIV Rule 11 thereof. The reliance is wholly misplaced. Sections 96 to 104 deal with appellate remedies under the Code, whereas Order XXXIV Rule 11 concerns the grant of interest in mortgage suits. None of these provisions empowers this Court to entertain fresh substantive claims in proceedings that have already concluded or to reopen a judgment which has attained finality.

16. The prayers seeking compensation of Rs.5,00,000/-, transportation charges, enhancement of the rate of interest to 18% per annum, costs of Rs.1,50,000/- and reimbursement of expenses allegedly incurred in other proceedings are equally untenable. These reliefs neither arise out of nor are ancillary to the judgment dated 23.01.2013. They are independent claims which cannot be entertained by way of a miscellaneous application after disposal of the appeal.



17. Nor can the Applicant invoke the inherent jurisdiction of this Court under Section 151 of the Code to overcome the absence of jurisdiction. It is settled that the inherent powers preserved under Section 151 CPC are intended to supplement the procedure prescribed by the Code and cannot be exercised contrary to its express provisions or to confer a jurisdiction which the Court otherwise does not possess. Equally, those powers cannot be invoked to circumvent the doctrine of finality or to secure, under the guise of a miscellaneous application, a rehearing of issues already decided.

18. Viewed as a whole, the present proceedings are nothing but an attempt to reopen concluded adjudications by adopting the form of a miscellaneous application. If such a course were permitted, any unsuccessful litigant could bypass the statutory framework governing appeals and review proceedings by repeatedly filing miscellaneous applications seeking substantially the same reliefs. Such a course is clearly impermissible. What cannot be achieved directly cannot be permitted to be accomplished indirectly.

19. Even otherwise, the present application suffers from a fundamental jurisdictional infirmity. The reliefs sought are founded primarily on the judgment dated 15.04.2026 passed in EX.S.A. 4/2019, whereas the present appeal had already been finally disposed of on 23.01.2013. Once the appeal stood concluded, the proceedings before this Court came to an end and could not thereafter be revived to adjudicate disputes arising out of subsequent and independent proceedings. In essence, the Applicant seeks to treat a disposed of appeal as a continuing forum for seeking reliefs arising from later litigation between the parties. The law does not contemplate such a course, and this



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Court cannot assume jurisdiction over matters that fall outside the scope of proceedings which have already attained finality.

20. For all the aforesaid reasons, this Court is of the considered view that the present application is wholly misconceived and not maintainable. The same is, accordingly, dismissed.

21. Pending applications, if any, also stand disposed of.

**VIVEK CHAUDHARY
(JUDGE)**

**RENU BHATNAGAR
(JUDGE)**

JULY 24, 2026/kp