

**IN THE COURT OF SH. HARJYOT SINGH BHALLA
DISTRICT JUDGE-03, SOUTH-WEST DISTRICT,
DWARKA COURTS, NEW DELHI**

**Appeal No. : RCA DJ/1162/2024
CNR No. : DLSW01-007691-2024**

**Date of Institution : 17.08.2024
Date of judgment : 20.05.2026**

IN THE MATTER OF:

Lata

W/o Biresh Sharma
R/o RZ D 1/441A,
KH. No. 100/6 & 100/8,
Gali No.5, Palam,
New Delhi-110045

.....Appellant

Versus

Sharda Devi

RZ-D-1A/109, Gali No.5,
Mahavir Enclave,
Palam, New Delhi-110045

.....Respondent

JUDGMENT

1. This is a Regular Civil Appeal filed by the appellant/plaintiff against the judgment and decree dated 15.07.2024, passed by the Ld. Additional Senior Civil Judge, South-West, Dwarka, New Delhi.

2. The plaintiff had filed the suit seeking injunction against the defendant in which the Municipal Corporation of Delhi was impleaded as a party on 05.07.2024.

3. The defendant was yet to be summoned in the present case.

4. The court heard arguments on the maintainability and dismissed the suit filed by the plaintiff, as barred by res-judicata, solely relying upon the copy of judgment in CS SCJ 1192/17. No pleadings were before the Ld. Trial Court and no defence that the suit is barred by res-judicata had been taken up at that stage. The plaint was rejected under Order 7 Rule 11 of CPC.

5. I find that the Ld. Trial Court, probably acted in haste, as finding that the suit is barred by Order 2 Rule 2 of CPC and res-judicata should be arrived at after perusing the pleadings alongwith the judgment passed.

6. In that view of the matter, without expressing any opinion on the merits of the finding arrived at, the said order is set aside and matter remanded back to the Ld. Trial Court to proceed with the matter as per law. The suit is restored to its original number.

7. Plaintiff is directed to appear before the Ld. Trial Court on **03.06.2026**.

8. TCR be sent back.

9. Appeal file be consigned to Record Room.

**Dictated in the open court
on 20.05.2026**

**HARJYOT SINGH BHALLA
DJ-03, SOUTH-WEST, DWARKA
NEW DELHI**