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

+ **RSA 22/2024**

SUNITA

..... Appellant

Through: Dr. V.P. Singh and Ms.
Yashasvi Singh, Advs.

versus

RAJ PAL

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

% **25.01.2024**

RSA 22/2024

1. This second appeal emanates out of CS 538045/2016 (*Sunita v. Rajpal*) instituted by the appellant.

2. The suit sought a declaration that an earlier ex-parte judgment and decree dated 21 December 2012 passed by the learned Civil Judge in Suit 657/2006 (*Rajpal v. Sunita*) be declared as a nullity and non-est and that the defendant be restrained from enforcing the said judgment and decree.

3. The suit has been dismissed by the learned Senior Civil Judge and the RCA DJ 26/2020, preferred against the said decision also stands dismissed by the learned Additional District Judge (the learned ADJ).



4. Inasmuch as there are allegations of fraud raised by the appellant against the respondent, the matter requires consideration.
5. As such, issue notice.
6. Notice be served on the respondents by all modes including *dasti*. Additionally, notice be served on them through learned Counsel who appeared on their behalf before the learned First Appellate Court, if any.
7. As this is a second appeal, exchange of pleadings is not required.
8. Both sides are directed to place on record short notes of their respective submissions not exceeding four pages each, accompanied by duly indexed compilation of any judicial authority on which they may seek to place reliance, at least a week in advance before the next date of hearing.
9. Re-notify for hearing and disposal on 3 July 2024.

CM APPL. 4737/2024 (Exemption)

10. Allowed, subject to all just exceptions
11. The application is disposed of.



CM APPL. 4736/2024 (Stay)

12. This is a stay application.

13. There is no question of any stay as the suit instituted by the plaintiff sought a declaration as an earlier decree passed by the learned Civil Judge was a nullity and the suit as well as the first appeal preferred thereagainst have been dismissed.

14. The prayer for a stay is accordingly declined.

15. The application is dismissed.

C. HARI SHANKAR, J.

JANUARY 25, 2024

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Click here to check corrigendum, if any