



2026:DHC:1601-DB

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RFA(COMM) 17/2024 & CM Nos.4379-80/2024

MS.SHASHI GARG

..... Appellant

Through: Mr Rajesh Kumar and Mr Pradeep
Singh Negi, Advs.

versus

MS.RENU GARG (SINCE DECEASED)

THROUGH HER LRS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

ORDER

% **23.01.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM No.4379/2024

1. Allowed, subject to just exceptions.

CM No.4380/2024

2. Allowed, subject to the appellant filing legible copies of the annexures, at least three days before the next date of hearing.

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3. This appeal is directed against the judgment and decree dated 06.10.2023 passed by the learned District Judge (Commercial)-01, Central, Tis Hazari Courts, Delhi.

4. Via the impugned judgment, in effect, the learned District Judge has held that the suit is not maintainable, given the lacuna pointed out therein.

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5. *Prima facie*, the decision that the learned District appears to have taken has missed the wood from trees. The defects pointed out by the learned District Judge, according to us, were curable.

6. For better appreciation, the operative portion of the impugned judgment and decree is extracted hereafter:

“62. RELIEF.

*Despite my findings given in issues No. 3 and 4 that an amount of Rs.29,64,404/- is due against the defendant along with interest which her LRs i.e. defendant No.(a) to defendant No.(d) are liable to pay to the plaintiff from the estates which they have inherited from deceased defendant **but I hold that in view of my findings of issue No. 2 that the suit is not maintainable in the present form, therefore, the plaintiff is not entitled to any amount and the suit of the plaintiff is hereby dismissed with cost.** Decree sheet be prepared accordingly. File be consigned to record room.”*

[Emphasis is ours]

7. Accordingly, issue notice to the respondents via all modes including e-mail.

8. List the matter on 10.04.2024.

RAJIV SHAKDHER, J

SUDHIR KUMAR JAIN, J

JANUARY 23, 2024

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[Click here to check corrigendum, if any](#)