

ITEM NO.22

COURT NO.9

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 15634/2026

[Arising out of impugned final judgment and order dated 25-03-2026 in FA No. 44/2026 passed by the High Court of Judicature at Allahabad]

RAKESH KUMAR SHARMA

Petitioner(s)

VERSUS

RAJESH KUMAR & ORS.

Respondent(s)

(IA No. 133247/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No. 133252/2026 - EXEMPTION FROM FILING O.T.)

Date : 15-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Manan Mishra, Sr. Adv.
M/S. Ram Sankar & Co, AOR

For Respondent(s) Mr. Prashant, AOR
Mr. Santosh Yadav, Adv.
Mr. Mohit Shukla, Adv.
Mr. Nipun Mohan, Adv.
Mrs. Nisha Rai, Adv.
Ms. Vedanshi Verma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Heard Mr. Manan Mishra, learned senior counsel for the petitioner and Mr. Santosh Yadav, learned counsel appearing for the respondent(s).

2. The Application No.125-C2 under Order VII Rule 11 of the Code of Civil Procedure, 1908¹ was accepted by the Trial Court and the plaint was rejected

1 hereinafter referred to as 'CPC'.

holding that the suit is barred by limitation.

3. This order on being challenged before the High Court has been set aside by the order impugned dated 25.03.2026. The High Court in setting aside the order of the Trial Court has not only rejected the application under Order VII Rule 11 CPC but has also passed strictures against the Officer of the Trial Court with direction for sending her to the training to upgrade her knowledge and understanding of law.

4. On merits, we are not satisfied that the order requires any interference by us in exercise of powers under Article 136 of the Constitution of India, however, we take note of Paragraph '43' of the impugned order which contains the strictures against the Presiding Officer of the Trial Court and observe that the High Court would have simply set aside the order and without commenting upon the Officer that too in his/her absence. Accordingly, we direct for the expunction of the same.

5. If the order passed by the Trial Court was illegal, nothing more was required to be said by the High Court for setting aside the same and passing an appropriate order but remarks upon the Presiding Officer were not required.

6. The decision of the suit by the Court of first instance would not be affected by any observation or

finding recorded either by the Trial Court or the High Court in passing the orders under consideration.

7. The present petition stands disposed of in the above terms.

8. Pending application(s), if any, shall stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(NIDHI MATHUR)
COURT MASTER (NSH)