

§-12 & 13

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

+ **RSA 41/2016**

MONA RAI & ANR

..... Appellants

Through: Mr. Ankit Jain and Mr. Somesh Rai,
Advocates.

versus

OM PRAKASH & ANR

..... Respondents

Through: Ms. Gita Dhingra, Adv.

+ **RSA 4/2017**

MONA RAI & ANR

..... Appellants

Through: Mr. Ankit Jain and Mr. Somesh Rai,
Advocates.

versus

OM PRAKASH & ANR

..... Respondents

Through: Ms. Gita Dhingra, Adv.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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12.10.2017

1. After arguments, both these appeals are disposed of with consent by setting aside the impugned judgment of the first appellate court dated 5.10.2015 which remands the case to the trial court for fresh decision on the additional issues framed in the impugned judgment. In other words, the additional issues will now be decided by the first appellate court alongwith

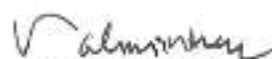
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all other issues of merits.

2. It is clarified that this Court has made no observations one way or the other either on the merits of the matter or on the additional issues which were framed, and all aspects will be decided by the first appellate court afresh in terms of the judgment which will now be passed in the first appeal. It is also observed that the contention of the appellant/plaintiff will also be decided by the first appellate court as to the effect of death of the wife of the original tenant during the pendency of the judicial proceedings being the first appeal which was filed.

3. Parties to appear before the District and Sessions Judge, Central, Tis Hazari Courts, Delhi on 13.11.2017 and the District and Sessions Judge will now mark the RCA/first appeal to a competent court for disposal in accordance with law and the observations made in the present order.


VALMIKI J. MEHTA, J

OCTOBER 12, 2017

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