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

+ RSA 81/2017

POOJA AGGARWAL

..... Appellant

Through: Ms. Amita Gupta and Mr. Zahir Dar
and Mr. Aayush Gupta, Advocates.

versus

MADHU & ORS

..... Respondents

Through: Ms. Maninder Acharya, Sr. Adv. with
Mr. Shivesh P. Singh and Mr. Sahil
Sood, Advocates.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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05.05.2017

1. It is noted that the present appellant was not a party to the suit for specific performance or to the first appeal filed against the judgment of the trial court dated 4.7.2013.

2. A judgment in a suit is only binding inter parties and it not a judgment in rem. This is inbuilt in Section 11 CPC.

3. Once the appellant is not bound by the impugned judgment and decree dated 16.1.2017 passed by the Court of Dr. Shahabuddin, ADJ,

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Rohini Courts, Delhi in RCA No. 5095/2016, in the appeal titled as **Smt. Madhu Vs. Smt. Manorma & Anr.**, no finding in the said judgment of the appellate court dated 16.1.2017 will operate as *res judicata* against the appellant and in case appellant has any cause of action to file a suit with respect to the suit property, and claiming any relief whatsoever, appellant is always at liberty to do so in accordance with law.

4. At this stage, counsel for the appellant states that the appeal be disposed of as not pressed with liberty being granted to the appellant to file appropriate independent proceedings, and which liberty is granted. The interim order dated 10.3.2017 directing to maintain a status quo with respect to the suit property by the parties will continue for a period of four weeks from today without the same being in any manner reflective on merits of the respective cases of the parties and which aspect will be decided in the independent proceedings as also in any interim application which may be filed by any of the parties seeking appropriate rights in the suit property bearing no. Plot No. 141, Pocket No. 21, Sector-24, Rohini, Delhi.

5. Appeal is disposed of as not pressed with the aforesaid liberty.

Parties are left to bear their own costs.

Dasti to counsel for the parties.

VALMIKI J. MEHTA, J

MAY 05, 2017

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