

\$~27.

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

+ CM(M) No.870/2015 & CM No.20159/2015 (for stay).

SANTOSH

..... Petitioner

Through: None.

versus

SHANTI DEVI & ANR

..... Respondents

Through: Mr. V.M. Issar, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

05.07.2017

1. None appears for the petitioner.
2. This petition under Article 227 of the Constitution of India impugns the judgment dated 20th March, 2015 of the Additional District Judge in an appeal under Section 96 of the Code of Civil Procedure, 1908 (CPC) against the decree dated 26th March, 2014 of the Civil Judge, Delhi.
3. The petition was entertained and notice thereof issued.
4. The counsel for the respondents rightly contends that the remedy of the petitioner against the judgment dated 20th March, 2015 was to prefer a second appeal under Section 100 of the CPC and not by invoking Article 227 of the Constitution of India.
5. This petition is thus not maintainable and liable to be dismissed on this ground alone.
6. The petitioner would of course have liberty to take appropriate remedies.
7. However since none has appeared for the petitioner, dismissed in default.

RAJIV SAHAI ENDLAW, J

JULY 05, 2017

‘pp’..