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

+ RFA 241/2006

SMT. MAYA DEVI

..... Appellant

Through: Mr. S.N. Gupta, Advocate.

versus

SH. RAM DEVA(NOW DECEASED) THROUGH LR'S & ORS.

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **17.09.2018**

1. This appeal is filed by the plaintiff in the suit impugning the judgment of the Trial Court dated 21.1.2006 by which trial court has rejected the plaint under 7 Rule 11 of Code of Civil Procedure, 1908 (CPC) on the ground that objections filed by the appellant/plaintiff in the rent control proceedings were dismissed, and they operate as *res judicata* against the appellant/plaintiff to claim ownership of the suit property.

2. The principles of *res judicata* are of general application and as held by the Supreme Court in the judgment in the case of ***Gulam Abbas and Ors. Vs. State of Uttar Pradesh and Ors. 1982 (1) SCC 71.*** Objections which are filed under Section 25 of the Delhi Rent Control Act, 1958 or

under the provisions of Order 21 Rule 96 to 99 CPC, the same are disposed of in terms of the procedure up to Rule 106 of Order 21 CPC and Order 21 Rule 101 CPC specifically bars filing of a fresh suit.

3. Counsel for the appellant/plaintiff states that he has tried to get in touch with the appellant many times on phone but the appellant is not responding. Possibly the appellant is not contacting the counsel because possession of the suit property may have already been taken by defendant no.5 in the suit who is the successful decree holder in rent control proceedings.

4. Since counsel for the appellant is not receiving any instructions, therefore, this appeal is dismissed in default and for non-prosecution. Let no application for restoration/recall of this order be entertained unless costs of Rs.25,000/- are first deposited with website www.bharatkeveer.gov.in.

VALMIKI J. MEHTA, J

SEPTEMBER 17, 2018

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