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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 996/2016

LAJPAT RAI BEHL

..... Appellant

Through: Mr. Rajat Aneja, Ms. Nisha Sharma
and Mr. Sambit Nanda, Advocates.

versus

ANIL BEHL AND ORS

..... Respondents

Through: Mr. Sameer Dewan, Advocate for R-
1.
Mr. Sourabh Leekha, Advocate for R-
4 to 8.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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03.08.2018

1. After arguments this appeal is disposed of with the consent order by setting aside the impugned judgment of the Trial Court dated 21.7.2016 in that the suit plaint could not have been rejected under Order 7 Rule 11 CPC on account of the principle of *res judicata* being applicable because of the earlier judgment dated 13.7.2015 passed by Sh. A.K. Agrawal, Civil Judge, West, Tis Hazari Courts, Delhi, in CS No. 437/14/11 titled as Sh. Rajan Bharara and Anr. Vs. Sh. Lajpat Rai Bahl, but it is clarified that in the subject suit only two factual issues will arise as regards the lack of mental capacity of Sh. Satpal Bahl as pleaded by the appellant/plaintiff and as to whether Sh. Anil Bahl was

or was not the adopted son of Sh. Satpal Bahl. Trial court will decide these issues after trial and at the stage of final arguments in accordance with law.

2. Parties to appear before the District and Sessions Judge, West, Tis Hazari Courts, Delhi, on 31st August, 2018 and the District and Sessions Judge will now mark the suit for disposal to a competent court in accordance with law and the observations made in the present order.

VALMIKI J. MEHTA, J

AUGUST 03, 2018

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