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

+ FAO(OS) 130/2025, CM APPL. 68035/2025 (Stay), CM APPL. 68036/2025 (Ex.) & CM APPL. 68037/2025 (Delay of 11 days in filing appeal)

GAYTRI DEVI

.....Appellant

Through: Mr. Arvind K. Nigam, Senior Advocate with Mr. Advocate [Appearance not given]

versus

RAJAT JOON & ORS.

.....Respondents

Through: Mr. V.P. Rana, Advocate for Respondent No. 3.

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+ FAO(OS) 132/2025, CM APPL. 68376/2025 (Stay) & CM APPL. 68377/2025 (Ex.)

SHRI RAJAT JOON

.....Appellant

Through: Mr. Advocate [Appearance not given]

versus

SMT. GYATRI DEVI & ORS.

.....Respondents

Through: Mr. V.P. Rana, Advocate for Respondent No. 3.

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+ FAO(OS) 133/2025, CM APPL. 68378/2025 (Stay), CM APPL. 68379/2025 (Ex.) & CM APPL. 68380/2025 (11 days delay in filing appeal)

SMT. ROSHNI JOON

.....Appellant

Through: Mr. Advocate [Appearance not given]

versus

SHRI RAJAT JOON & ORS.

.....Respondents

Through: Mr. V.P. Rana, Advocate for Respondent No. 3.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

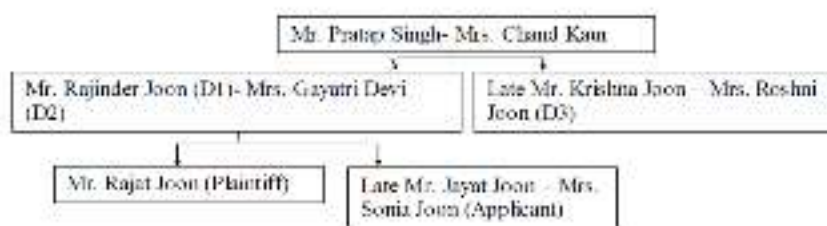


ORDER
09.12.2025

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1. The present three Appeals have been filed under Section 10 of the Delhi High Court Act, 1966, assailing the Order dated 01.09.2025 passed by the learned Single Judge in IA No. 6980/2022 and IA No. 16496/2025, filed by Respondent No.3/Mrs. Sonia Joon, in CS(OS) 138/2020 titled as “*Shri Rajat Joon v. Shri Rajinder Singh Joon & Ors.*”.
2. At the outset, we find it apposite to herein reproduce the relevant portions of the Order dated 03.11.2025 passed by this Court, which reads as under:

1.
2. By the Impugned Order dated 01.09.2025, the learned Single Judge allowed Respondent No.3/ Applicant to lead evidence in IA No.6980/2022 (Application under Order XXII Rule 3 of CPC) and also allowed IA No.16496/2025 (Application under Order VII Rule 14 of CPC).
3. We deem it apposite to place on record the family tree of the parties to facilitate a clearer understanding of their inter se relationship, the same is reproduced below:



4. Learned counsel appearing for the Appellant in FAO(OS) 130/2025 inter alia contends that the Order XXIII Rule 3 of the Code of Civil Procedure, 1908 does not envisage the filing of an application for recall of decree passed on the basis of compromise, particularly at the hands of Respondent No.3/ Applicant who was not party to the suit.
5. He submits that entertaining such an application would entail an inquiry into the terms of settlement which is not contemplated in an application for recall.



6. He further submits that the Compromise Decree will not be binding upon Respondent No.3/ Applicant as she was not a party to the suit.

7. Let notice be served upon the Respondents by all permissible modes, including *Dasti*, returnable on 26.11.2025 to be listed in the category of “*Supplementary List*” matters.

3. We have heard learned counsel representing the parties at length. Learned counsel appearing for Respondent No. 3/Mrs. Sonia Joon, while defending the Impugned Order, has made the following two submissions:-

- (i) The present Appeals are premature, as these assail an Interlocutory Order passed by the learned Single Judge; however, an appeal under the Delhi High Court Act, 1966, is only maintainable where the order effectively determines the issue and partakes the character of a final order on the point in question.
- (ii) The compromise decree passed by the Court on the basis of the settlement will be binding upon Respondent No. 3.

4. This Court has considered the above-stated submissions, and finds no merit in either of them. It has already been clarified, by the learned Single Judge *vide* Order dated 01.09.2025 in CS(OS) 138/2020, that the compromise decree shall not be binding upon Respondent No. 3, as she was not a party to the same. We concur with it and are of the same considered view.

5. It is a settled position of law relating to civil suits that there are two types of judgments *vis-à-vis* the parties it affects. These judgments are either *in rem* or *in personam*.

6. The present case falls in the category of a decree *in personam*



and therefore, will be binding only between the parties. In addition, since the said compromise decree is based on a settlement dated 14.10.2020, with the approval of the Court *vide* Order dated 21.10.2020, and therefore there has been no adjudication on merits.

7. Regarding the submission made by the learned counsel for the Respondent no. 3 on the aspect of premature filing of the present Appeals, we are of the considered view that this submission, too, lacks substance because the learned Single Judge has held that Interlocutory Application bearing no. 16496/2025, filed by the Respondent No. 3 under Order XXIII Rule 3 of the Civil Procedure Code, 1908 [“CPC”] for setting aside the compromise decree is maintainable.

8. A bare reading of Order XXIII Rule 3 makes it abundantly evident that the application for setting aside the compromise decree at the behest of an individual who is neither party to the compromise nor to the suit is not maintainable.

9. Since the issue of maintainability of the application has already been decided, the present Appeals under Section 10 of the Delhi High Court Act, 1966 are maintainable. While allowing these three Appeals, the Order dated 01.09.2025 is set aside in the aforesaid terms.

10. The present Appeals along with pending application(s), if any, is disposed of.

11. A photocopy of the Order passed today be kept in the connected matters.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
DECEMBER 9, 2025/nd/kr/dj