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

+ RFA(OS) 7/2025, CM APPL. 5900/2025, CM APPL. 5902/2025

SMT PRIYANKA ALIAS ANURADHA SHARMA

.....Appellant

Through: Mr. KC Mittal, Mr. Keshav Poonia, Advs.

versus

AMANDEEP BHARDWAJ & ORS.

.....Respondents

Through: Mr. Rahul Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

ORDER

14.10.2025

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1. Through the present Appeal, the Appellant [Plaintiff before the learned Single Judge] assails the correctness of a judgment and decree dated 01.10.2024 [hereinafter referred to as 'Impugned Judgment'] passed by the learned Single Judge, while rejecting the Appellant's/Plaintiff's plaint resulting in passing a deemed decree.

2. The Appellant's/Plaintiff's plaint has been rejected by the learned Single Judge on the ground that a similar suit, in which the Appellant/Plaintiff is a party with regard to the suit property, is pending. This may be a ground to stay the proceedings in a subsequently instituted suit as provided under Section 10 of the Code of Civil Procedure, 1908 [hereinafter referred to as 'CPC']. However, rejection of the plaint is not called for on this ground.

3. A perusal of the record reflects that the Appellant/Plaintiff has filed the suit for partition, declaration and permanent injunction.



Another suit has been filed by the Appellant's/Plaintiff's sister, Smt. Kamlesh Vats, for partition, declaration and permanent injunction, in which the Appellant/Plaintiff is a party, is also pending. Learned Single Judge has, at the threshold, rejected the plaint of the Appellant/Plaintiff.

4. Learned counsel representing the Respondents is unable to draw the attention of the Court to any provision under the CPC, providing for rejection of the plaint on the ground that a previously instituted suit is pending.

5. Accordingly, the present Appeal is allowed. The Impugned Order is hereby set aside. The suit filed by the Appellant/Plaintiff is restored to its original number.

6. The parties, along with their respective counsel, are directed to appear before the learned Single Judge on 28.10.2025.

7. The present Appeal, along with pending applications, stands closed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 14, 2025

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