



\$~40

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

+ **LPA 337/2026 & CM APPL. 30173/2026**

PAWAN JAIN

.....Appellant

Through: Ms.Amrit Kaur Oberoi,
Ms.Suteekshna Dubey and
Ms.Prashansa Srivastava, Advs.

versus

**SMT SHAKUNTALA SHARMA (SINCE DECEASED) THROUGH
LR AND ANR.Respondents**

Through: Mr.Ankit Singh and Mr.Ravi Kumar,
Advs for R-1.
Ms..Shahana Farah, ASC with
Mr.Abhigyan and Ms.Reya Paul,
Advs for DDA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

%

21.05.2026

1. Heard learned counsel for the parties.
2. Under challenge in this *intra-court* appeal is an order dated 02.04.2026 whereby, *W.P.(C) 4208/2006* instituted by respondent no.1 has been dismissed by the learned Single Judge with liberty to respondent no.1 to file a civil suit for redressal of her grievances.
3. Learned Single Judge in the impugned order dated 02.04.2026 has further observed that since respondent no.1 had been prosecuting the writ petition with due diligence, she shall be entitled to apply for the benefit of



Section 14 of the Limitation Act, 1963 ('Act'). The appellant has also challenged the order dated 13.04.2026 passed by the learned Single Judge on a review petition filed by the appellant wherein, in paragraph 7, the learned Single Judge has observed that respondent no.1 had been prosecuting the writ petition in a *bona fide* manner and further that since the Court was of the opinion that there were disputed questions of facts involved in the petition for which detailed evidence will be required, the benefit of Section 14 of the Act was granted.

4. The submission made by learned counsel for the appellant is that as to whether, the benefit of Section 14 of the Act would be available to respondent no.1 in case she institutes a civil suit for redressal of her grievances, is an issue which has to be decided by the Court concerned and any such observation to the effect that respondent no.1 would be entitled to the benefit of Section 14 of the Act, was unwarranted.

5. Learned counsel for respondent no.1 has, however, submitted that in view of the fact that the writ petition was instituted by respondent no.1 in the year 2006, she is entitled to the benefit of Section 14 of the Act and therefore, there is no flaw in the impugned orders passed by learned Single Judge.

6. Having given our conscious consideration to the respective submissions made by learned counsel for the parties, we are of the opinion that the issue as to whether, a party approaching a Court/Forum is entitled to the benefit of Section 14 of the Act is to be considered by the Court/Forum where any legal proceedings are instituted. Any observation made by learned Single Judge that respondent no.1 is or is not entitled to such benefit of Section 14 of the Act would amount to pre-judging the said issue which



necessarily has to be adjudicated upon by the Court/Forum where respondent no.1 would be instituting the proceedings pursuant to the liberty granted to her by learned Single Judge *vide* order dated 02.04.2026.

7. In view of the aforesaid, we modify the order dated 13.04.2026 passed by learned Single Judge in *Review Petition 170/2026* and observe that in case, any suit pursuant to the liberty granted by learned Single Judge is instituted by respondent no.1 before a Court of competent civil jurisdiction, she shall be entitled to seek the benefit of Section 14 of the Act, however, if any such prayer is made, the said prayer shall be considered on its own merits by the Court/Forum concerned, without being guided by the observations made in paragraph 7 of the order dated 13.04.2026.

8. The appeal along with pending application stands disposed of in the aforesaid terms.

9. The cost imposed by the learned Single Judge *vide* impugned order dated 13.04.2026 is also, hereby, waived off.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MAY 21, 2026/MJ