



\$~8

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

+ RFA 282/2020

MOHD ARIF

.....Appellant

Through: Mr. Rajeev Saxena, Sr. Advocate
with Mr. Haider Ali, Ms. Megha
Saxena, Ms Shreya Bhatnagar and
Mr. Shaurya Dhaiya, Advocates.

versus

ASLAM KHAN

.....Respondent

Through: Mr. Asad Iqbal with Mr. Abuzar,
Mr. Rais Ahmad, and Mr. Monis
Khan, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

16.01.2026

%

1. Appeal under Section 96 C.P.C. has been filed on behalf of the Appellant against Judgment / Decree dated 09.12.2019, whereby the suit of the Plaintiff / Appellant has been rejected under Order VII Rule 11 C.P.C.
2. Sole ground on which the impugned Judgment has been challenged is that there was already an Application under Order VI Rule 17 C.P.C. pending, which should have been decided before considering the Application of Respondent under Order VII Rule 11 C.P.C.
3. On this short ground, impugned Judgment is set aside with directions to learned District Judge, South District, Saket Courts, to first decide the Application under Order VI Rule 17 C.P.C. before considering the Application of Respondent under Order VII Rule 11 C.P.C.
4. With aforesaid directions, Appeal along with pending Applications is disposed of.



5. Parties are directed to appear before the learned District Judge, South District, Saket Courts, Delhi on 22.01.2026.
6. Order is made without any expression on the merits of the case.

NEENA BANSAL KRISHNA, J.

JANUARY 16, 2026/R