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

+ RSA 127/2024

SANJEEV SHARMA

.....Appellant

Through: Mr. Rajiv Mehra, Mr Jagjit Singh,
Mr. Devansh Singh, Advocates

versus

GADDI SHRI DADDU DWARA

.....Respondent

Through:

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+ RSA 132/2024

SANJEEV SHARMA

.....Appellant

Through: Mr. Rajiv Mehra, Mr Jagjit Singh,
Mr. Devansh Singh, Advocates

versus

GADDI SHRI DADDU DWARA

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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13.01.2026

1. Regular Second Appeal under Section 100(1) of the code of Civil Procedure, 1908 (CPC) has been filed against the judgment and decree dated 17.12.2016 whereby the Regular First Appeal on remand of the case by the High Court in Second Appeal has decided the Suit for recovery of Rs.28,940/- alongwith pendentelite and future interest @ 4% filed by the Respondent.
2. The only grievance of the Appellant that is that after the Appeal was remanded back to the learned District Judge, no Notice was given despite



the fact that Defendant had throughout been contesting the case and even led the evidence. It is patently evident that the learned ADJ fell in error in not issuing the Notice to the Appellant while deciding the case on merits.

3. In view of the grounds taken, the Appeal is allowed and the impugned Judgment dated 17.12.2016 is hereby set aside with the directions to the learned District Judge to decide the Appeal afresh after giving Notice/opportunity to both the parties.

4. Considering that it is an old Suit, the learned Trial Court is requested to decide the Appeal within 06 months.

5. Both the parties are directed to appear before the learned Principal District and Sessions Judge, Central, Tis Hazari Court, Delhi on 22.01.2026 to mark the case to the Court of competent jurisdiction for disposal.

6. The decretal amount lying with this Court shall be released in accordance with the final adjudication of the First Appeal.

7. The Appeals stand disposed of accordingly.

NEENA BANSAL KRISHNA, J

JANUARY 13, 2026

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