

CPC Law Judgments



A Monthly Wrap | June 2026

Title and Case details	Case Brief
Supreme Court: Constructive Res Judicata Bars Grounds That ‘Might and Ought’ to Have Been Raised Earlier, Even if Omitted Due to Negligence <i>Makardhwaj Ram vs. Jagdish Rai (Dead) Th. Lrs. & Anr.</i> (MANU/SC/0632/2026; 2026 INSC 636)	The Supreme Court reiterated that under Section 11 CPC (Explanation IV), the doctrine of constructive res judicata bars not only issues actually decided in earlier proceedings but also grounds that could and should have been raised earlier. The Court clarified that omission due to negligence, inadvertence, or accident does not prevent the doctrine from applying, as litigants are expected to exercise reasonable diligence. However, the applicability of constructive res judicata depends on the facts of each case and the nexus between the omitted issue and the earlier litigation. Since the plaintiff's claim for declaration of title did not arise in the earlier suits challenging specific sale deeds, the Court held that the subsequent suit was not barred and set aside the High Court's contrary view.

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Supreme Court: High Court Cannot Substitute Mandatory Injunction with Compensation Without Pleadings or Consent; Remand Must Comply with Section 100 CPC <i>Rajat Kumar and Ors. vs. S.D. Adarsh Jain Kanya Maha Vidyalaya, Sadhaura and Ors.</i> (MANU/SC/0642/2026; 2026 INSC 648)	Supreme Court held that a High Court, while deciding a second appeal under Section 100 CPC, cannot replace a decree for mandatory injunction with a monetary compensation mechanism when no such relief was claimed in the suit and the decree-holder has not consented to it. The Court observed that directing the Executing Court to assess compensation after setting aside the decree was contrary to the scheme of Order XXI CPC and beyond the scope of execution proceedings. It further noted that the High Court had failed to properly frame and decide substantial questions of law as required under Section 100 CPC and had proceeded on an erroneous factual premise. Setting aside the impugned judgment, the Supreme Court restored the matter to the High Court for fresh adjudication of the second appeals strictly in accordance with Section 100 CPC.
Delhi High Court Upholds Trial Court Order Allowing Replication Without Formal Application Under Order VIII Rule 9 CPC <i>Sunita vs. Bajinder Kumar</i> (MANU/DE/4430/2026; 2026 DHC: 5106)	The High Court of Delhi addressed the issue of whether the Trial Court erred in allowing Bajinder Kumar to file a replication to Sunita's written statement without a formal application under Order VIII Rule 9 of the CPC. Sunita challenged the Trial Court's decision, arguing it was made without due consideration. The court found that the Trial Court had appropriately exercised its discretion, as the replication was necessary to address specific averments in the written statement. Citing precedents, the court emphasized that a replication is permissible with the court's leave and upheld the Trial Court's order, dismissing Sunita's petition.
Delhi High Court: Order XII Rule 6 CPC, Decree on Admissions, Tenant Cannot Resist Eviction by Plea of Pagri or Perpetual Tenancy <i>Shyam Lal and Sons vs. Mithlesh Devi</i> (MANU/DE/4446/2026; 2026 DHC: 5115)	The Delhi High Court dismissed the Regular Second Appeal and upheld the decree for possession passed under Order XII Rule 6 CPC on the basis of admissions. The Court held that where the tenant admits the landlord-tenant relationship and tenancy, a decree for possession can be granted notwithstanding disputes regarding ownership, rent enhancement, or alleged payment of pagri.

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	The plea that the tenancy was perpetual or non-terminable because the tenant had paid a substantial pagri amount and executed an MoU was rejected, as such arrangements did not alter the legal character of the relationship as that of landlord and tenant. The Court further held that filing of the eviction suit itself constitutes sufficient notice terminating a month-to-month tenancy, relying on <i>Nopany Investments v. Santokh Singh (HUF)</i>. It also affirmed rejection of the tenant’s application for amendment of the written statement at the appellate stage under Order VI Rule 17 CPC, observing that such amendments cannot ordinarily be allowed after a decree on admissions. Since the Delhi Rent Control Act was not applicable to the suit premises and no substantial question of law arose, the Second Appeal under Section 100 CPC was dismissed.
Delhi High Court: Order XXXVII CPC, Leave to Defend Must Be Granted Where Bona Fide Triable Issues Exist <i>National Power Training Institute vs. Sunehari Bagh Builders Pvt. Ltd.</i> (MANU/DE/4439/2026; 2026: DHC: 5113)	The Delhi High Court held that while considering an application for leave to defend under Order XXXVII Rule 3(5) CPC, the court must examine whether the defendant has raised bona fide and substantial triable issues and not decide disputed questions on merits. Setting aside the summary decree passed by the Trial Court, the High Court found that serious disputes existed regarding the correctness of measurements recorded in departmental Measurement Books, valuation of work executed, legality of rate enhancements and extra-item approvals, authority of officials granting such approvals, maintainability of the summary suit, and limitation. Since subsequent departmental reports contradicted the measurements and valuation relied upon by the plaintiff, and the limitation plea involved mixed questions of law and fact requiring evidence, the defence could not be termed sham, illusory, or moonshine. Reiterating the principles laid down in <i>Mechelec Engineers, Raj Duggal</i>, and <i>IDBI Trusteeship Services</i>, the Court held that such substantial disputes warranted grant of leave to defend. Accordingly, the decree was set aside, leave to defend was granted, the written statement was taken on record, and the matter was remanded for full trial.

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Delhi High Court: Garnishee Orders and Interim Relief; No Deposit Can Be Directed Without Crystallised Liability (Order XXXIX CPC / Order XXI Rule 46 CPC) <i>NBCC India Limited vs. GNC Infra LLP and Ors.</i> (MANU/DE/4429/2026; 2026: DHC: 5105)	Delhi High Court held that a court cannot direct a third party (alleged garnishee) to deposit the suit amount during the pendency of a suit when there is neither a decree in favour of the plaintiff nor any admitted or crystallised liability of the garnishee towards the judgment-debtor. The Court observed that garnishee proceedings under Order XXI Rule 46 CPC arise only after the existence of an enforceable debt is established, and a mere willingness to withhold funds does not amount to an admission of liability. Since the petitioner (NBCC) had no privity of contract with the plaintiff, no direct claim was made against it, its liability towards the contractor was disputed and unascertained, and it had subsequently been deleted from the array of parties under Order I Rule 10 CPC, the Trial Court's direction under Order XXXIX CPC requiring deposit of the suit amount in an FDR was held unsustainable and was accordingly set aside.
Delhi High Court: Mandatory Injunction Against Licensee Maintainable; Filing of Suit Operates as Revocation of Licence <i>Bijender Singh vs. Chander Bhan</i> (MANU/DE/4378/2026; 2026: DHC:5054)	The Delhi High Court held that a property owner can seek a mandatory injunction against a family member who is merely a permissive occupant/licensee, without filing a separate suit for possession, where no independent right or title is established by the occupant. The Court found that the defendant-son failed to prove the alleged oral family settlement, ownership rights, or contribution towards acquisition/construction of the property, and his possession remained permissive. It further held that the filing of the suit itself constitutes sufficient notice of revocation of licence, making the occupant liable to vacate and pay mesne profits. The Court also observed that where the rental value is admitted by the defendant, user charges can be awarded without a separate inquiry under Order XX Rule 12 CPC, and dismissed the appeal under Section 96 CPC, affirming the decree of mandatory injunction and occupation charges.

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Delhi HC Upholds Rejection of Suit Under Order VII Rule 11 CPC; Unregistered Family Settlement Cannot Challenge Gift Deed <i>Deepak Kaushik vs. Vinod Kaushik and Ors.</i> (MANU/DE/4426/2026; 2026: DHC:5096)	The Delhi High Court upheld the rejection of a plaint under Order VII Rule 11 CPC, holding that the plaintiff's challenge to a Gift Deed was founded entirely on an unregistered Family Settlement dated 10.10.2009. The Court found that the document itself created and extinguished rights in immovable properties for the first time and was therefore compulsorily registrable under the Registration Act. Since the settlement was unregistered and there was no material showing it had been acted upon, it was inadmissible even for collateral purposes. On the averments in the plaint itself, the suit property remained the exclusive property of the mother, who was competent to execute the Gift Deed. Consequently, the plaint disclosed no enforceable cause of action, and its rejection under Order VII Rule 11 CPC was affirmed.
Bombay High Court: Foreign Judgment Not Conclusive Under Sections 13 & 14 CPC Where Jurisdiction and Arbitration Issues Remain Disputed <i>Limited Liability Company vs. Tecnimont S.P.A.</i> (MANU/MH/4668/2026; 2026: BHC-OS:12539)	The High Court of Bombay addressed a suit filed by Limited Liability Company seeking enforcement of a Russian judgment against Tecnimont S.P.A. for a debt exceeding Rs. 19.5 thousand crores. The core issue was whether the Russian judgment could be considered conclusive under Sections 13 and 14 of the CPC, given the existing arbitration agreements and ongoing international arbitration. The court found the competence of the Moscow Commercial Court doubtful due to the arbitration clause and the plaintiff's participation in arbitration proceedings. The court also noted potential breaches of natural justice and international law principles. Consequently, the interim application for an injunction was dismissed, with the court emphasizing the need for a trial to test the conclusiveness of the Russian judgment.

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Bombay High Court: Delayed Counter-Claims Before Framing of Issues May Be Allowed if Subsequent Events Justify Delay and Common Questions Arise <i>Mandar Suresh Bhatwadekar and Ors. vs. Shree Nav Vinayak Co-Operative Housing Society Ltd. (Housing Society)</i> (MANU/MH/4856/2026; 2026: BHC-AS:23882)	The Bombay High Court held that under Order VIII Rule 6A CPC, a counter-claim is not barred merely because it is filed belatedly, provided it is sought before the framing of issues and the delay is justified by the facts and circumstances of the case. Setting aside the trial court's refusal to permit a counter-claim filed over five years after the written statement, the Court observed that subsequent developments, including orders passed in connected proceedings and liberty granted by the High Court to pursue appropriate remedies, constituted relevant factors for exercising judicial discretion. Emphasizing the object of counter-claims avoiding multiplicity of proceedings and enabling comprehensive adjudication the Court held that where the suit and counter-claim involve overlapping questions of fact and law, and no irretrievable prejudice is caused to the plaintiff, permission should ordinarily be granted. The Court clarified that issues relating to limitation and entitlement to relief remain open for determination at trial.
Bombay High Court: Civil Suit Maintainable Against MIDC Notices If Notices Are Alleged Nullities Despite MRTP Act Bar <i>Maharashtra Industrial Development Corporation vs. Shivam Govendra Singh</i> (MANU/MH/4921/2026; 2026: BHC-AS:24390)	The High Court of Bombay addressed whether the Civil Court had jurisdiction to entertain a suit challenging notices issued by the Maharashtra Industrial Development Corporation (MIDC) to Shivam Govendra Singh, alleging unauthorized construction under the MRTP Act. The court examined if the notices were a nullity, which would allow the Civil Court's jurisdiction despite Section 149 of the MRTP Act barring such suits. The court found discrepancies in the notices, suggesting non-application of mind, and upheld the Civil Judge's decision to allow the suit to proceed. The revision application by MIDC was dismissed, and the Civil Judge was requested to prioritize the suit's hearing.

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Bombay High Court: Persons Claiming Independent Rights in Disputed Inam Land Can Be Added as Defendants Under Order I Rule 10(2) CPC <i>Balasaheb and Ors. vs. The State of Maharashtra and Ors.</i> (MANU/MH/4932/2026; 2026: BHC-AUG:23613)	The High Court of Bombay addressed whether respondent nos. 3 and 4 should be impleaded as party defendants in a suit filed by Balasaheb and others against the State of Maharashtra, challenging an order related to Inam land. The court reasoned that although the plaintiffs, as dominus litis, can choose their defendants, the trial court correctly exercised its discretion under Order I Rule 10(2) of the CPC to add respondents as proper parties, given their claimed rights as Inamdars. Citing the precedent from <i>Mumbai International Airport Pvt. Ltd. v. Regency Convention Centre</i>, the court found no merit in the petition and dismissed it, affirming the trial court's order.
J&K&L High Court: Order XII Rule 6 CPC, Decree on Admissions Requires Clear and Unequivocal Admissions <i>Vishwa Bharati Women's Welfare Institution vs. Amina Naseem and others</i> (MANU/JK/0463/2026; RFA No. 18/2025)	The Jammu & Kashmir and Ladakh High Court held that a decree under Order XII Rule 6 CPC can be passed only when the defendant's admissions are clear, categorical, and unequivocal. Mere deemed admissions or ambiguous pleadings are insufficient to justify a judgment on admissions. The Court further clarified that even where certain facts are admitted, the court retains discretion to require the plaintiff to prove those facts through evidence instead of mechanically decreeing the suit. Accordingly, a decree based solely on alleged admissions without satisfying these requirements cannot be sustained.
Himachal Pradesh High Court: Transfer of Property During Litigation Does Not Render Appeal Incompetent <i>Mohammed Ali vs. Ramesh Kumar and Ors.</i> (MANU/HP/1357/2026; RSA No. 4241 of 2013)	The Himachal Pradesh High Court held that the transfer of disputed property during the pendency of litigation does not make an appeal non-maintainable. Reiterating the principle under Order XXII Rule 10 CPC, the Court observed that rights of parties generally crystallize on the date of institution of the suit, and a transferor can continue the proceedings for the benefit of the transferee. A subsequent purchaser merely steps into the shoes of the original party and may seek impleadment with the Court's leave. Accordingly, the application seeking dismissal of the appeal on the ground of transfer of property was rejected.

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Gauhati High Court: Second Appeal under Section 100 CPC, Non-Framing of Points under Order XLI Rule 31 Not Fatal Where Plaintiffs Fail to Prove Title <i>Md. Arju Imam and Ors. vs. Irshad Sheikh and Ors.</i> (MANU/GH/0563/2026; GAHC010176012009)	The Gauhati High Court dismissed the Second Appeal under Section 100 CPC and upheld the concurrent findings of the Trial Court and First Appellate Court, holding that the plaintiffs failed to establish any right, title, or interest in the suit property. The Court observed that entries in jamabandi/revenue records do not confer title in the absence of a valid title deed, and an unregistered partition arrangement or rough sketch map could not create proprietary rights. It further held that although the First Appellate Court had not framed points for determination as required under Order XLI Rule 31 CPC, such omission was not fatal because the appellate court had substantially considered all issues and the plaintiffs' claim itself lacked foundational proof of title. The Court also clarified that while civil courts possess jurisdiction to pass partition decrees, the suit was not properly structured as a partition suit since no preliminary decree for determination of shares was sought. Accordingly, no substantial question of law arose warranting interference under Section 100 CPC, and the appeal was dismissed.
Madras High Court: Order XLI Rule 27 CPC, Additional Evidence in Appeal Cannot Be Allowed to Fill Lacunae; Due Diligence Must Be Strictly Proved <i>Vijayaraj vs. Jeyaraman</i> (MANU/TN/1570/2026; 2026: MHC:1824)	The Madras High Court held that the power to admit additional evidence at the appellate stage under Order XLI Rule 27 CPC is exceptional and can be exercised only when the statutory conditions are strictly satisfied. Setting aside the appellate court's order permitting examination of legal heirs of attesting witnesses to prove a settlement deed, the Court observed that the respondent failed to establish "due diligence" as required under Order XLI Rule 27(1) (aa) CPC, having taken no satisfactory steps for nearly ten years to procure such evidence. The Court emphasized that additional evidence cannot be permitted merely because it is a party's "last opportunity" or to discharge a burden of proof that remained unfulfilled before the trial court. Reiterating Supreme Court precedents, the Court held that Order XLI Rule 27 is not intended to patch up weak points or fill evidentiary gaps in a litigant's case. Since the appellate court allowed the application without recording any finding regarding due diligence and effectively enabled the respondent to cure deficiencies in his evidence, the order was held unsustainable and was consequently set aside.

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Chhattisgarh High Court: Executing Court Cannot Go Beyond the Decree or Reopen Concluded Issues under Section 47 CPC <i>Paras Verma vs. Shanti and Ors.</i> (MANU/CG/1133/2026; 2026: CGHC:23548)	The Chhattisgarh High Court held that an Executing Court, while exercising jurisdiction under Section 47 CPC and Order XXI Rule 26 CPC, cannot go beyond the decree or reopen issues that have attained finality. The Court observed that execution proceedings are confined to enforcing the decree as passed, and objections seeking re-examination of rights already determined by a final judgment are not maintainable. Relying on settled Supreme Court precedents, it was reiterated that even an allegedly erroneous decree remains binding until set aside in appropriate proceedings. Accordingly, the rejection of the petitioner's application seeking stay of execution was upheld, with liberty to challenge any adverse revenue orders before the competent revenue authority.
J&K High Court Sets Aside Financial Commissioner's Order: Revisional Powers Must Be Exercised Within a Reasonable Time <i>Ghulam Rasool Rather and Ors. vs. Financial Commissioner Revenue Jammu and Kashmir at Srinagar and Ors.</i> (MANU/JK/0435/2026; WP(C) 1789/2023 CM (4171/2023))	The High Court of J&K addressed the issue of whether the Financial Commissioner Revenue could exercise revisional jurisdiction to set aside a mutation order from 2004 after nearly two decades without a satisfactory explanation for the delay. The parties involved were Ghulam Rasool Rather and others as appellants, and the Financial Commissioner Revenue J&K and others as respondents. The court emphasized that revisional powers must be exercised within a reasonable period, even in the absence of a prescribed limitation period, to prevent uncertainty and disruption of settled rights. The court found that the revisional authority failed to justify the delay and did not consider the accrued third-party rights. Consequently, the court quashed the Financial Commissioner's order and restored the original mutation, citing precedents that underscore the importance of timeliness in exercising revisional jurisdiction.

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Jharkhand High Court: Plea for Additional Evidence Under Order XLI Rule 27 CPC Must Be Considered at Appeal Hearing Stage <i>Nagendra Nath Oraon vs. The State of Jharkhand and Ors.</i> (MANU/JH/0830/2026; 2026: JHHC:17135)	Jharkhand High Court addressed the issue of whether the Additional District Judge, Chandil, erred in rejecting a petition for admitting additional evidence under Order XLI Rule 27 read with Section 151 of the C.P.C. in a civil appeal. The parties involved were Nagendra Nath Oraon and the State of Jharkhand and others. The court reasoned that the appellate court must consider such petitions during the appeal hearing to determine if the additional evidence is necessary for a satisfactory judgment, as per precedents like <i>Union of India vs. Ibrahim Uddin</i>. The court quashed the impugned order and directed the Additional District Judge to reconsider the petition during the appeal hearing, focusing on Rule 27(b) of Order XLI. The petition was disposed of with these instructions
J&K High Court: Commercial Suit Rejected Under Order VII Rule 11 CPC for Non-Compliance with Mandatory Pre-Institution Mediation <i>JKR Partnership Firm vs. Detailing Devils India Pvt. Ltd. and Ors.</i> (MANU/JK/0447/2026; RFA No.44/2025)	High Court of J&K upheld the rejection of a commercial plaint under Order VII Rule 11 CPC for failure to comply with the mandatory requirement of pre-institution mediation under Section 12-A of the Commercial Courts Act, 2015. The Court held that merely including a prayer for interim injunction does not automatically exempt a plaintiff from mediation; the alleged urgency must be genuine and not a device to bypass the statutory mandate. Examining the plaint and franchise agreement holistically, the Court found that the plaintiff had failed to exercise its contractual right of renewal within the stipulated period and had sought primarily monetary compensation, making the claimed urgency artificial. Relying on Supreme Court precedents including <i>Patil Automation, Yamini Manohar, Dhanbad Fuels, and Novenco Building</i>, the Court ruled that the suit did not genuinely contemplate urgent interim relief and, therefore, non-compliance with Section 12-A rendered the plaint liable to rejection under Order VII Rule 11 CPC. The appeal was accordingly dismissed.