

Key CPC Judgments

April 2026

Case Name & Citation	Case Brief
<p>Cheque Theft Defence Rejected: Delhi HC Upholds ₹6 Lakh Recovery Against Drawer</p> <p>Laxmi Rawat and Ors. vs . Daulat Singh Bisht</p> <p>(MANU/DE/2697/2026;2026: DHC:3090)</p>	<p>The High Court of Delhi addressed the appeal by Laxmi Rawat and others against Daulat Singh Bisht concerning a decree for the recovery of Rs. 6,00,000 based on a dishonored cheque issued by Laxmi Rawat. The court found that the defense of the cheque being stolen was an afterthought and upheld the trial court's decision against Laxmi Rawat, dismissing the suit against Dinesh Singh Rawat due to lack of evidence of his involvement. The appeal was partly allowed, maintaining the decree against Laxmi Rawat while dismissing the suit against Dinesh Singh Rawat.</p>
<p>Spiritual Office vs Waqf Control: SC Restores Civil Court Jurisdiction in Sajjadanashin Dispute</p> <p>Syed Mohammed Adil Pasha Quadri vs. Syed Hasnal Mussanna Sha Khadri and Ors.</p> <p>(MANU/SC/0299/2026)</p>	<p>The Supreme Court of India addressed whether the Civil Court had jurisdiction over the appointment of a Sajjadanashin, a spiritual office, at the Hazarath Akhil Shah Quadri Dargah. The parties involved were Syed Mohammed Adil Pasha Quadri (Appellant) and Syed Hasnal Mussanna Sha Khadri and others (Respondents). The Court found that the office of Sajjadanashin is distinct from that of a Mutawalli, which is an administrative role under the Waqf Board's jurisdiction. The High Court's decision to set aside the Civil Court's decree was overturned, restoring the Trial Court's judgment in favor of the Appellant. The case was remanded to the High Court for a decision on merits, excluding jurisdiction, with a directive for expedited resolution.</p>

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<p>Parallel Suits Can Proceed: Bombay HC Refuses Stay Despite Related Litigation</p> <p>Nikhilesh Keshrichand Jhaveri and Ors. vs. Johnson Dye Works (P) Ltd. and Ors.</p> <p>(MANU/MH/3628/2026; 2026: BHC-AS:17866-DB)</p>	<p>The High Court of Bombay addressed the issue of whether to stay R.A.E. Suit No. 965/1427 of 2010 filed by Johnson Dye Works against Nikhilesh Keshrichand Jhaveri and others, following a decree in a related suit (T.E. Suit No. 185 of 2018). The court found that the two suits, though related, were based on distinct legal frameworks and could be pursued simultaneously. The petitioners' request to stay the earlier suit was rejected, as it was not deemed vexatious or abusive, and the Supreme Court had expedited its resolution. The court upheld the trial court's decision to reject the stay application, dismissing the writ petition without costs.</p>
<p>No Bar Under Section 10 CPC: Bombay HC Upholds Ex Parte Divorce Decree</p> <p>Chandan Digambar Pawaskar vs. Tanvi Dattaraj Gad</p> <p>(MANU/MH/3592/2026; 2026: BHC-GOA:774)</p>	<p>The High Court of Bombay addressed the appeal by Chandan Digambar Pawaskar against Tanvi Dattaraj Gad, challenging the ex-parte divorce decree granted by the Quepem Court. The core issue was whether the Quepem suit should have been stayed under Section 10 of the Civil Procedure Code due to a prior divorce suit filed by the appellant in the Mapusa Court. The court found that the causes of action in both suits were independent, thus Section 10 was not applicable. The appeal was dismissed, and the Quepem Court's decree was confirmed.</p>
<p>Second Suit Barred: SC Invokes Res Judicata, Sets Aside High Court Interference</p> <p>Channappa (D) thr . L. Rs. vs. Parvatewwa (D) thr . L. Rs.</p> <p>(MANU/SC/O338/2026)</p>	<p>The Supreme Court of India addressed whether Suit - II, filed by Parvatewwa (represented by Prema), was barred by res judicata or Order II Rule 2 of the Code of Civil Procedure, given prior proceedings in Suit - I. The parties involved were Channappa (deceased, represented by legal representatives) and Parvatewwa (deceased, represented by Prema). The Court found that Suit - II was barred as it involved the same cause of action as Suit - I, where Parvatewwa failed to seek comprehensive relief. The High Court's interference with the concurrent findings of the lower courts was deemed unjustified. The appeal was allowed, setting aside the High Court's judgment, and Suit - II was dismissed.</p>

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<p>Ignoring Summons Costs Dear: Delhi HC Refuses Delay Condonation, Upholds ₹35 Lakh Decree</p> <p>Bipin Kumar vs . Lakshmi Chhabra</p> <p>(MANU/DE/2708/2026;2026:DHC:3088)</p>	<p>The High Court of Delhi addressed the appeal by Bipin Kumar against Lakshmi Chhabra, focusing on the dismissal of his application for condonation of delay in entering appearance and the decree of Rs. 35,00,000/- in favor of Chhabra. The court found that Kumar was aware of the pending suit, as evidenced by an MOU dated 23.05.2023, and had deliberately refused the summons. The court rejected Kumar's defense of a partnership and adjustment of the loan amount, noting the lack of supporting documents and the issuance of dishonored cheques.</p>
<p>Society Can't Cry Foul After Absence: Karnataka HC Applies Constructive Res Judicata</p> <p>Shree Vijay Mahantesh Vidyavardhaka Sangha vs. The District Registrar of Societies and Deputy Registrar of Co -operative Societies and Ors.</p> <p>(MANU/KA/1183/2026)</p>	<p>The High Court of Karnataka addressed the dispute between Shree Vijay Mahantesh Vidyavardhaka Sangha and the District Registrar of Societies regarding the transfer of membership from a deceased member to his son, respondent No. 2. The court examined whether the Registrar had the authority under Section 25 of the Karnataka Society Registration Act, 1960, to pass the impugned order and whether the petitioner-society was denied natural justice. The court found that the petitioner society failed to appear before the Registrar despite being notified and was estopped from challenging the Registrar's authority due to constructive res judicata.</p>
<p>Delay Without Cause Fatal: Delhi HC Rejects Appeal in Injunction Suit</p> <p>Ajit Singh vs . Delhi Development Authority and Ors .</p> <p>(MANU/DE/2627/2026; 2026:DHC:2986)</p>	<p>The High Court of Delhi addressed the appeal by the legal representatives of Ajit Singh against the Delhi Development Authority, focusing on whether the delay in filing an appeal against a judgment dismissing their suit for a permanent injunction should be condoned. The appellants argued that illness and procedural delays justified the delay, but the court found no sufficient cause for condonation, noting that multiple legal heirs could have pursued the appeal timely. The court upheld the lower court's decision, emphasizing that procedural rules should not be disregarded without valid reasons, and dismissed the appeal, finding no substantial question of law.</p>

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<p>Co-Owner Can Sue Alone: HP HC Upholds Possession Claim Against Tenant</p> <p>Sushil Kumar vs . Brij Bala</p> <p>(MANU/HP/O632/2026; 2026: HHC:10247)</p>	<p>The High Court of Himachal Pradesh addressed the appeal by Sushil Kumar against Brij Bala, focusing on whether the plaintiff's suit was invalid due to non-joinder of necessary parties. The court found that a co-owner can maintain a suit for possession against a tenant without involving other co-owners, referencing precedents like Shri Ram Pasricha vs. Jaganath. The court upheld the First Appellate Court's decision to allow amendments and implead necessary parties, remanding the case for a fresh trial.. The appeal was dismissed, and the trial court was instructed to expedite the case by October 2026.</p>
<p>Jurisdiction Clause Not Absolute: Bombay HC Upholds Nagpur Court's Authority Over HDFC Bank</p> <p>HDFC Bank Limited and Ors. vs. Archana</p> <p>(MANU/MH/3346/2026; 2026: BHC-NAG:5312)</p>	<p>The High Court of Bombay addressed whether the Nagpur court had territorial jurisdiction over a suit filed by Archana against HDFC Bank Limited and others, despite an employment contract clause conferring exclusive jurisdiction to Mumbai courts. The court upheld the trial court's decision, which found that the cause of action arose in Nagpur, and thus, the Nagpur court had jurisdiction. The court emphasized that the principle of res judicata applied, as the issue had been previously decided and not further challenged, despite a subsequent Supreme Court ruling in a similar case. The civil revision application was dismissed, affirming the trial court's jurisdiction.</p>
<p>Illegal Rooftop Construction Removed: Delhi HC Grants Mandatory Injunction with Mesne Profits</p> <p>Vas Dev Wadhwa vs . Rattan Lal and Ors.</p> <p>(MANU/DE/2486/2026; 2026: DHC:2852)</p>	<p>The High Court of Delhi addressed the appeal by Vas Dev Wadhwa against Rattan Lal and others concerning the denial of mandatory injunction and recovery of Rs. 5,19,000/- with interest. The core issue was whether Wadhwa was entitled to a mandatory injunction for the removal of a katcha room constructed by the respondents on the roof of his second-floor property. The court found that the respondents had no ownership rights over the roof and had constructed the room during litigation, thus granting the injunction. The court also modified the mesne profits to Rs. 10,000 per month from July 28, 2015, to February 20, 2019, with specified interest rates. The appeal was partly allowed, and the decree was modified accordingly</p>

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<p>No Jurisdiction, No Transfer: Bombay HC Rejects Husband's Plea in Divorce Case</p> <p>Rahul Bhikulal Kasat vs . Neelam</p> <p>(MANU/MH/3673/2026; 2026: BHC-AUG:16074)</p>	<p>The High Court of Bombay addressed the application by Rahul Bhikulal Kasat to transfer a divorce petition filed by his wife, Neelam, from the Civil Judge, Senior Division, Jalna, to the Family Court, Aurangabad. The court found that the Family Court in Aurangabad lacked jurisdiction as the couple never resided there, and the respondent resides within the jurisdiction of the Jalna court. The court noted that mediation could occur without transferring the case, through parole or video conferencing. Consequently, the application was rejected, but the court allowed for potential mediation at Aurangabad if requested.</p>
<p>Wrong Forum, Wrong Decree: Delhi HC Sets Aside ₹75 Lakh Recovery for Lack of Jurisdiction</p> <p>Mohd Abid and Ors. vs . Rajesh Kumar Jain</p> <p>(MANU/DE/2625/2026; 2026: DHC:2987)</p>	<p>The High Court of Delhi addressed the appeal by Mohd Abid and others against Rajesh Kumar Jain concerning a decree for recovery of Rs. 75,20,182/- based on loans and interest. The core issue was whether the Delhi court had territorial jurisdiction, as the transactions and related documents were executed in Jind, Haryana. The court found that the trial court erred in not considering jurisdictional issues and that the decree was passed without proper examination of facts. The judgment was set aside, and the plaint was directed to be returned for filing in the appropriate jurisdiction.</p>
<p>Procedural Defects Curable: Delhi HC Allows Withdrawal with Liberty to Refile Commercial Suit</p> <p>Krishan Chawla vs . Sanjeev Jain and Ors .</p> <p>(MANU/DE/2574/2026; 2026:DHC:2899-DB)</p>	<p>The High Court of Delhi addressed whether the Commercial Court was justified in denying Krishan Chawla the liberty to withdraw his suit with permission to refile after curing procedural defects, including non-compliance with Section 12A of the Commercial Courts Act. The court found that the defects were procedural and curable, and the Commercial Court erred by making observations on the merits at the pre-summoning stage, which was beyond its jurisdiction. The appeal was allowed, setting aside the impugned order, and Chawla was granted permission to withdraw the suit with liberty to file afresh.</p>

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<p>Trust Liable for School Loan: Delhi HC Upholds ₹17.8 Lakh Recovery Decree</p> <p>Lala Sher Singh Memorial Jeevan Vigyan Trust Society vs . Gayatri Gupta</p> <p>(MANU/DE/2675/2026;2026:DHC2956)</p>	<p>The High Court of Delhi addressed the appeal by Lala Sher Singh Memorial Jeevan Vigyan Trust Society against a judgment decreeing Gayatri Gupta's suit for recovery of Rs. 17,81,531/- with interest. The core issue was whether the Trust was liable for a loan given to Presidium School, Sector-22, Dwarka. The court found that the Trust was responsible, as evidenced by cheques issued on its behalf and its management of the school. The court dismissed the appeal, affirming the trial court's decision, and referenced the promissory note and TDS certificates as evidence of liability</p>
<p>Triable Issues Found: Delhi HC Grants Leave to Defend in Summary Suit</p> <p>A Z Facilitators Pvt. Ltd. vs . Urmila Bhatia (17. 04. 2026)</p> <p>(MANU/DE/2859/2026:2026: DHC:3196)</p>	<p>The High Court of Delhi addressed the appeal by A-to-Z Facilitators Pvt. Ltd. against Urmila Bhatia concerning the rejection of their application for Leave to Defend in a summary suit for recovery of Rs. 27,50,000/-. The core issue was whether the cheque issued to Bhatia was in discharge of a legal liability or misused. The court found that there were substantial grounds for defense, including disputed facts about the cheque's purpose and the plaintiff's entitlement to salary and profits.</p>
<p>Injunction Becomes Infructuous After Dispossession: Delhi HC Dismisses Appeal</p> <p>Jai Pal Singh Tyagi and Ors . vs . Rattan Singh and Ors .</p> <p>(MANU/DE/2485/2026;2026: DHC:2860)</p>	<p>The High Court of Delhi addressed the appeal by Jai Pal Singh Tyagi and others against Rattan Singh and others, concerning the dismissal of their suit for a permanent injunction to prevent dispossession from land they claimed to possess. The court found that the plaintiffs had been dispossessed during the suit's pendency, rendering the injunction request moot. The court noted that the plaintiffs had already filed a separate suit under Section 6 of the Specific Relief Act for possession of restoration, which was appropriate given the circumstances. The court dismissed the appeal, affirming that the original suit had become infructuous and that the proposed amendments would lead to litigation duplication.</p>

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<p>Encroachment During Litigation Penalised: Delhi HC Orders Removal of Unauthorized Structure</p> <p>Vas Dev Wadhwa vs . Rattan Lal and Ors .</p> <p>(MANU/DE/2486/2026; 2026:DHC:2852)</p>	<p>The High Court of Delhi addressed the appeal by Vas Dev Wadhwa against Rattan Lal and others concerning the denial of mandatory injunction and recovery of Rs. 5,19,000/- with interest. The core issue was whether Wadhwa was entitled to a mandatory injunction for the removal of a katcha room constructed by the respondents on the roof of his second-floor property. The court found that the respondents had no ownership rights over the roof and had constructed the room during litigation, thus granting the injunction.</p>
<p>No Admission, No Decree: Delhi HC Sets Aside Order XII Rule 6 Judgment</p> <p>R . K Electrical Industries India Pvt . Ltd . and Ors . vs . Rishabh Industries</p> <p>(MANU/DE/2532/2026; 2026: DHC:2811-DB)</p>	<p>The High Court of Delhi addressed the appeal by R.K Electrical Industries India Pvt. Ltd. against Rishabh Industries concerning a decree for Rs. 1,08,30,382 based on alleged admissions under Order XII Rule 6 CPC. The court found no express or implied admission by the appellant regarding the liability, as the defense was based on a Memorandum of Understanding involving M/s. Bhavya Electricals. The court set aside the impugned judgment, directing that both related suits be adjudicated together, and retained the deposited Rs. 40 lakhs until final judgment.</p>
<p>Minor's Rights Ignored: SC Sets Aside Ex Parte Succession Certificate Decree</p> <p>Deepesh Maheswari and Ors . vs . Renu Maheswari and Ors .</p> <p>(MANU/SC/0291/2026)</p>	<p>The Supreme Court of India addressed the appeal by Deepesh Maheswari and others against Renu Maheswari and others, focusing on the rejection of an application under Order IX Rule XIII of the Code of Civil Procedure, 1908, to set aside an ex parte decree granting a succession certificate. The court found that the minor appellant was not properly represented in the original proceedings, as no guardian was appointed, and the public notice was inadequate. The court quashed the previous orders, allowed the application, and set aside the ex parte order granting the succession certificate, restoring the matter for reconsideration. The court directed expeditious disposal within a year, emphasizing the distinct legal scope of Order IX Rule XIII.</p>