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CPC Law Judgments



A Monthly Wrap | **October 2026**

Title and Case details	Case Brief
Supreme Court: Amendment Of Pleadings Under Order VI Rule 17 CPC Permissible Upon Satisfying Due Diligence Haramani Sahoo and Ors. Vs. Lalita Nayak and Ors. (MANU/SC/1157/2026; 2026 INSC 1112)	The **Supreme Court** held that **amendments to pleadings under Order VI Rule 17 of the Code of Civil Procedure (CPC) may be permitted even at an advanced stage of the proceedings if the party satisfies the requirement of due diligence and the amendment is necessary for determining the real questions in controversy**. The Court allowed the amendment sought to incorporate facts concerning a previously discovered compromise decree affecting the suit property, observing that the proposed amendment did not fundamentally alter the nature of the suit. Setting aside the orders of the Trial Court and the Orissa High Court, the Court allowed the amendment subject to costs of Rs. 25,000, while leaving questions of limitation and maintainability open for adjudication by the Trial Court.
Delhi High Court: Statutory Interest on Enhanced Compensation Cannot Be Denied Merely Due to Delay in Amendment Application Sylvania & Laxman Ltd. Vs. UOI (MANU/DE/7869/2026; 2026: DHC: 9011)	The Delhi High Court allowed review petitions under **Order XLVII Rule 1 read with Section 114 CPC**, holding that **statutory interest on enhanced land acquisition compensation cannot be denied merely because the application to amend the compensation claim was filed belatedly**. Relying on Supreme Court rulings, the Court set aside the condition denying interest for the period between filing the appeals and seeking amendment under **Order VI Rule 17 CPC**. It held that the petitioners would be entitled to statutory interest on enhanced compensation, if awarded, in accordance with law.

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Delhi High Court: Ex-Parte Decree Cannot Be Set Aside Without Sufficient Cause Under Order IX Rule 13 CPC Richmond Global School Vs. Vijay Kumar Jain (MANU/DE/7571/2026; 2026: DHC: 8636- DB)	The Delhi High Court dismissed an appeal challenging the rejection of an application to set aside an ex-parte decree under **Order IX Rule 13 CPC**. The Court held that the **appellant failed to establish sufficient cause for its non-appearance or justify the delay in filing the application.** It observed that summons received by an employee of the school could not be disregarded merely on the ground that they were allegedly not communicated to the management. Relying on the Supreme Court's ruling in *Parimal v. Veena MANU/SC/0105/2011*, the Court reiterated that an **ex-parte decree cannot be set aside merely for irregularity in service where the defendant had notice of the hearing and sufficient time to appear.** Finding no merit in the appeal, the Court dismissed it.
Delhi High Court: Appeals Against Conversion of Summary Suits into Regular Suits Not Maintainable Under Section 13 of Commercial Courts Act Siddhivinayak Coal Carriers Pvt. Ltd. Vs. Coal India Limited and Ors. and Maa Pitambara Coal Carriers Pvt. Ltd. Vs. Coal India Limited and Ors. (MANU/DE/7799/2026; 2026: DHC: 8877-DB)	The Delhi High Court dismissed appeals challenging orders converting summary suits filed under **Order XXXVII CPC** into regular suits. The Court held that **under Section 13 of the Commercial Courts Act, 2015, appeals are maintainable only against orders specifically enumerated under Order XLIII CPC or Section 37 of the Arbitration and Conciliation Act, 1996**. Since no appeal is provided under Order XLIII CPC against an order converting a summary suit into a regular suit, the appeals were held to be not maintainable. Relying on the Supreme Court's ruling in *Kandla Export Corporation v. OCI Corporation MANU/SC/0112/2018*, the Court dismissed the appeals and disposed of the pending applications as infructuous.

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Delhi High Court: Blaming Counsel Alone Is Not Sufficient to Set Aside an Ex-Parte Decree Under Order IX Rule 13 CPC Pawan Vs. Amit Gupta (MANU/DE/7979/2026; 2026: DHC: 9215-DB)	The Delhi High Court dismissed an appeal challenging the rejection of an application seeking to set aside an ex-parte decree passed in a commercial recovery suit. The Court reiterated that under **Order IX Rule 13 of the Code of Civil Procedure, 1908 (CPC)**, a defendant seeking to set aside an ex-parte decree must establish sufficient cause for non-appearance when the suit was called for hearing. Merely attributing the absence to the negligence or failure of a lawyer, without providing specific particulars or supporting evidence, does not automatically constitute sufficient cause. The **Court emphasised that litigants are expected to remain vigilant and take reasonable steps to monitor the progress of their cases rather than place the entire responsibility on their legal representatives.** It further highlighted the importance of timely adjudication in commercial disputes, where procedural discipline and avoidance of unnecessary delays are particularly significant. Finding no adequate basis to interfere with the lower court's decision, the High Court upheld the rejection of the application under Order IX Rule 13 CPC and dismissed the appeal.
Delhi High Court Refers to Larger Bench Question on Extension of Time to File Written Statement Under Original Side Rules Yogesh Taneja Vs. Vijay Taneja (MANU/DE/7852/2026; 2026: DHC: 8888- DB)	The Delhi High Court referred key questions to a Larger Bench concerning the interpretation of **Rule 4, Chapter VII of the Delhi High Court (Original Side) Rules, 2018**, which prescribes an outer limit of 120 days for filing a written statement. The Court questioned **whether the Supreme Court's rulings treating Order VIII Rule 1 CPC as directory could also apply to Rule 4 of the DHC Rules, despite earlier Delhi High Court Division Bench decisions holding the time limit to be mandatory.** It also referred questions on whether the Registrar's role in closing the right to file a written statement is merely ministerial and whether a Chamber Appeal against such an order is maintainable. The Larger Bench will examine the correctness of the earlier rulings and clarify the scope of the Court's power to extend the filing period.

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Delhi High Court: Additional Evidence Cannot Be Introduced Under Order XLI Rule 27 CPC to Fill Gaps in a Party's Case Rajbala Vs. Gyan Chand (MANU/DE/7967/2026; 2026: DHC: 9055)	The Delhi High Court dismissed an appeal challenging a decree for possession and permanent injunction over a property in Uttam Nagar, Delhi. The Court held that **Order XLI Rule 27 CPC does not permit additional evidence merely to remedy omissions or inadvertence by a party or its former counsel, particularly when the documents were already in the party's possession and due diligence was not established.** It further observed that electricity bills, ration cards and other residence records may indicate occupation but do not, by themselves, prove ownership or the alleged sale of the property. The Court upheld the possession decree and directed the appellant to vacate the property within three months.
Bombay High Court: Amendment to Plaint Cannot Bypass Order II Rule 2 and Order XXIII Rule 3A CPC Shajadi Begum Vs. Shahnaz Begum (MANU/MH/6618/2026; 2026: BHC-AUG:47058)	The Bombay High Court dismissed a writ petition challenging the rejection of a plaint amendment under **Order VI Rule 17 CPC**. The Court held that the **plaintiff could not introduce a prayer to cancel an earlier compromise decree when the relevant cause of action was already known at the time of filing the suit.** It observed that the amendment failed to satisfy the due-diligence requirement and was barred by **Order XXIII Rule 3A CPC**, which prohibits a separate suit to set aside a decree on the ground that the compromise was unlawful. The Court also declined to permit an amendment seeking recovery of possession based on proceedings in a separate suit.
Bombay High Court: Third-Party Obstructionist Cannot Challenge Decree's Validity Under Section 47 CPC; Imposes Rs. 1 Lakh Costs Sameer Dinkarrao Javalekar Vs. Gulab Haribhau Ladkat and Ors. (MANU/MH/6883/2026; 2026: BHC-AS:42341)	The Bombay High Court dismissed a civil revision application and writ petition challenging orders passed during execution of a decades-old eviction decree. The Court held that **Section 47 CPC** is **confined to questions concerning execution, discharge or satisfaction of a decree arising between the original parties or their representatives, whereas third-party obstruction claims must be adjudicated under Order XXI Rules 97 and 101 CPC**. It ruled that an obstructionist claiming an independent right to possession cannot use Section 47 CPC to challenge the decree's validity or ask the executing court to go behind it. The Court also held that decree-holders need not file a formal reply before leading evidence in obstruction proceedings. Imposing **Rs. 1 lakh in costs**, the Court directed expeditious disposal of the execution proceedings, pending since 1993, preferably within four months.

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Bombay High Court: Vague Allegations of Fraud Cannot Overcome Limitation to Set Aside Consent Decree Under CPC Bhandup Estate and Ors. Vs. Indubai Rajaram Ohol and Ors. and Vasantkumar Purshottam Bhanji Vs. Municipal Corporation of Greater Mumbai and Ors. (MANU/MH/6790/2026; 2026: BHC-AS:41304)	The Bombay High Court dismissed a writ petition challenging the refusal to set aside a 1982 consent decree concerning land in Bhandup, Mumbai. The Court held that under **Order XXIII Rules 3 and 3A of the Code of Civil Procedure, 1908 (CPC), a consent decree can be challenged on the ground that the compromise was unlawful, but the allegation must be supported by specific pleadings and particulars.** Mere general allegations of fraud, without explaining how and when it was discovered despite reasonable diligence, were insufficient to obtain the benefit of Section 17 of the Limitation Act. The Court found that the attorney had been granted broad powers, including authority to compromise the suit, and that consideration had been paid to Bhandup Estate. Given the unexplained delay of nearly 30 years and the failure to establish an unlawful compromise, the Court declined to interfere with the trial court's order under Article 227 of the Constitution.
Madhya Pradesh High Court: Commissioner Can Be Appointed Under Order XXVI Rule 9 CPC to Verify Compliance During Execution Proceedings Vineet Saxena Vs. Urmila Devi Gupta and Ors. (MANU/MP/5593/2026; 2026: MPHC-GWL:30950)	Madhya Pradesh High Court allowed a petition challenging the rejection of an application seeking spot inspection of a disputed building. The Court held that under **Order XXVI Rules 9 and 18-A CPC, a Commissioner may be appointed during execution proceedings to ascertain the actual position at the site and clarify disputed facts.** Noting conflicting official reports regarding removal and possible reconstruction of the building, the Court set aside the lower court's order and directed the appointment of a competent Revenue Officer as Commissioner to inspect the property in the presence of the parties.

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Andhra Pradesh High Court: Documents Can Be Received At A Later Stage Under Order VIII Rule 1-A CPC If Grounds Exist The Mandal Tahsildar, Rajam of Rajam Mandal and Ors. Vs. Pitchika Bhagya Lakshmi (MANU/AP/1985/2026; CRP NO: 718/2017)	The Andhra Pradesh High Court held that **documents not filed along with the written statement may be received later with the Court's leave under Order VIII Rule 1-A(3) CPC, provided they are referred to in the pleadings and cogent reasons are given for the delay.** The Court set aside the trial court's order refusing to accept government land records, observing that procedural rules should advance substantive justice. The documents were allowed to be received subject to proof and relevance, with objections regarding their genuineness and certification left open for consideration during evidence.
Karnataka High Court: Order II Rule 2 CPC Cannot Save Bare Injunction Suit Barred Under Section 41(h) of Specific Relief Act Messrs Sana Group Vs. Jay Prakash Agarwal and Ors. (MANU/KA/4618/2026; RFA No. 1888 of 2019 C/W RFA No. 1887 of 2019)	The Karnataka High Court dismissed appeals against the rejection of plaints under **Order VII Rule 11(a) and (d) CPC**. The Court held that **once the plaintiff became aware of the defendants' agreement to sell the suit properties to a third party, the cause of action for specific performance had accrued, and a bare suit for permanent injunction was not maintainable when the more efficacious remedy of specific performance was available under Section 41(h) of the Specific Relief Act, 1963.** It further ruled that an application under **Order II Rule 2 CPC** seeking leave to claim specific performance later cannot cure a suit that is otherwise barred by law. The Court upheld the Trial Court's rejection of the plaints and dismissed both appeals.
Madhya Pradesh High Court: Civil Suit Not Barred Under Order VII Rule 11 CPC Merely Because Revenue Authorities Decided the Dispute Rajendra Jain Vs. Jitendra Kurmi and Ors. (MANU/MP/5632/2026; 2026: MPHC-JBP:79802)	The Madhya Pradesh High Court dismissed a revision petition under **Section 115 CPC**, upholding the rejection of an application seeking dismissal of the plaint under **Order VII Rule 11 CPC**. The Court held that the **plaint must be examined as a whole and that, absent an applicable statutory bar under Section 257 of the Madhya Pradesh Land Revenue Code, a civil suit challenging revenue-related orders and asserting civil rights cannot be rejected at the threshold merely because the dispute was considered by revenue authorities.** The Court further observed that the plaintiffs' allegation that the revenue orders were passed without affording them an opportunity of hearing raised a factual issue requiring evidence. Finding no jurisdictional error or material irregularity in the Trial Court's order, the High Court dismissed the revision.

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Kerala High Court: Execution Court Cannot Reopen Issues That Have Attained Finality Under Section 47 CPC James V. Kurian and Ors. Vs. V.K. Sam and Ors. (MANU/KE/3333/2026; 2026: KER:78313)	The Kerala High Court dismissed a civil revision petition under **Section 115 CPC**, holding that an **executing court cannot reopen issues already adjudicated and concluded in earlier proceedings.** The Court observed that **Section 47 CPC** empowers the executing court to decide questions relating to the execution, discharge or satisfaction of a decree, but does not permit judgment-debtors to revive a rejected challenge concerning non-compliance with Order XXXII Rule 15 CPC at the execution stage. Relying on Supreme Court precedents, the Court reiterated that objections which were previously considered, or could have been raised during the original proceedings, cannot be used to obstruct execution after the decree has attained finality. Finding no illegality or material irregularity in the impugned order, the High Court dismissed the revision petition.
Madhya Pradesh High Court: Lawyer's Mistake Can Justify Condonation of 1,093-Day Delay in Setting Aside Ex Parte Decree Deepak Afle Vs. Dharam Developers and Finvest Limited and Ors. (MANU/MP/5590/2026; 2026:MPHC-IND:28413)	The Madhya Pradesh High Court condoned a delay of 1,093 days in filing an application under **Order IX Rule 13 CPC** to set aside an ex parte decree. The Court held that **a litigant should not suffer for a lawyer's mistake and that the length of delay is less important than the acceptability of the explanation under Section 5 of the Limitation Act.** Setting aside the orders of the Trial Court and First Appellate Court, the High Court imposed costs of Rs. 50,000 and remanded the matter for consideration of the application to set aside the ex parte decree on merits.
Rajasthan High Court: Advocate's Death Can Constitute Sufficient Cause to Set Aside Ex-Parte Decree Under Order IX Rule 13 CPC Baljeet Kaur Vs. Godavari and Ors. (MANU/RH/1281/2026; 2026: RJ-JD:45017)	The Rajasthan High Court allowed an appeal under Order XLIII Rule 1(d) read with Section 104 CPC and set aside an ex-parte decree concerning agricultural land. The Court held that under **Order IX Rule 13 of the Code of Civil Procedure, 1908 (CPC)**, **a litigant should not ordinarily suffer due to counsel's default when the absence was bona fide and beyond the litigant's control.** It observed that the defendant's counsel had died and that the defendant promptly sought relief after learning of the ex-parte proceedings. The Court ruled that dismissal of an earlier application under Order IX Rule 7 CPC for non-prosecution did not bar consideration of the subsequent application on its merits. Accordingly, the ex-parte decree was set aside against the appellant, the suit was restored for adjudication on merits, and the trial court was directed to decide it expeditiously.

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Chhattisgarh High Court: Wrong Citation of CPC Provision Does Not Invalidate Order Permitting Substitution of Witness Shivkumar and Ors. Vs. Mangru and Ors. (MANU/CG/2092/2026; 2026: CGHC:44748)	The Chhattisgarh High Court dismissed a writ petition challenging an order permitting the plaintiffs to examine an alternative witness after their cited witness reportedly became paralysed and unable to speak. The **Court held that merely citing an incorrect provision of the Code of Civil Procedure (CPC) does not invalidate an application if the court possesses the requisite power.** Upholding the trial court's order under **Order XVI Rule 1 CPC**, the Court observed that the defendants could cross-examine the substituted witness and would suffer no prejudice. Finding no perversity or jurisdictional error warranting interference under Article 227 of the Constitution, the High Court dismissed the petition.
Calcutta High Court: Executing Court Must Consider Objections Under Section 47 CPC Before Refusing Stay of Execution Biplab Kishore Chowdhury Vs. Amita Bachhawat (MANU/WB/2565/2026; C.O. 1320 of 2026)	The Calcutta High Court set aside orders refusing to stay execution of an ex parte eviction decree. The Court held that the **Executing Court had failed to adequately consider the objections raised under Section 47 CPC concerning the executability of the decree, particularly the disputed status of the property and subsequent developments affecting the parties' rights.** Although the pending application under **Order IX Rule 13 CPC** did not automatically justify a stay, the High Court granted a limited stay of execution until December 31, 2026, or until further orders, whichever was earlier, and directed the petitioner to seek a stay before the court hearing the Order IX Rule 13 application.
Calcutta High Court: Injunction Beyond Pleadings and Earlier Refusal of Interim Relief Cannot Be Circumvented by Invoking Section 151 CPC Dinesh Soni and Ors. Vs. Pramod Kumar Pansari and Ors. (MANU/WB/2573/2026; 2026: CHC-AS:1880-D)	The Calcutta High Court allowed appeals and set aside orders restraining members of an apartment owners' association from holding meetings. The Court held that **a blanket injunction extending beyond the reliefs sought was impermissible and that a subsequent application under Sections 94(e) and 151 CPC could not circumvent the earlier refusal of ad interim relief under Order XXXIX Rules 1 and 2 CPC, as the principle of res judicata applied at the same interim stage.** The Court also observed that the Competent Authority had acted beyond its jurisdiction and that the suit was prima facie defective for non-joinder of necessary parties. Accordingly, the impugned injunction orders and their extensions were set aside.