

Reserved

HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI
HON'BLE SRI JUSTICE MANOJ KUMAR TIWARI
AND
HON'BLE SRI JUSTICE RAVINDRA MAITHANI

Writ Petition (M/S) No. 2539 of 2021

Prabhat Kishor

.....Petitioner

Versus

Smt. Rukmani Devi

.....Respondent

Counsel for the petitioner :

Mr. Sagar Kothari, Advocate

Counsel for the respondent :

Mr. Siddhartha Sah, Advocate.

JUDGMENT

Hon'ble Ravindra Maithani, J.

PROLOGUE

The instant petition has been preferred against the order dated 22.11.2021 passed in P.A. Case No. 5 of 2020, Smt. Rukmani v. Prabhat Kishor, by the court of Civil Judge (Sr. Div.)/Prescribed Authority, Rishikesh, District Dehradun ("the case"). By it, an application filed by the petitioner under Order 7 Rule 11 of the Code of Civil Procedure, 1908 ("the Code") has been rejected and the petitioner has been directed to file objections on the application for release, filed by the respondent, under

Section 21 (1)(a) of the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (“the Act”).

2. During the course of hearing, on 24.02.2023, a Single Bench of this Court observed that the judgment in the case of Majid Khan v. Gopal Krishna Verma, (2016) 116 ALR 281, on the subject, needs reconsideration. Accordingly, the instant matter has been referred for consideration of the Larger Bench for examining the correctness of ratio laid down in the case of Majid Khan (*supra*).

3. In the case of Majid Khan (*supra*), while considering the applicability of Order 7 Rule 11 of the Code in the proceedings under the provisions of the Act, it was held that **“Perusal of Section 34 and Rule 22 of the Act No. 13 of 1972 would make it clear that only few provisions of C.P.C. are made applicable in the cases arising under the provisions of U.P. Act No. 13 of 1972. I am afraid that order 7 Rule 11 of the C.P.C. is not made applicable in the rent control proceedings, therefore, provisions of Order 7 Rule 1 C.P.C. are not available to the tenant petitioner herein.”**

ARGUMENTS

4. Heard learned counsel for the parties and perused the record.

THE PETITIONER

5. Learned counsel for the petitioner would submit that even if the provisions of Order 7 Rule 11 of the Code are not made applicable in the proceedings under the Act, the principles would still be applicable by invoking the provisions of Section 151 of the Code. In support of his contention, learned counsel for the petitioner has placed reliance on the principles of law as laid down in the cases of Pt. Chet Ram Sharma v. 1st Additional District Judge, Meerut and Ors., 2004 SCC OnLine All 818; Sheo Kishan Das v. the Prescribed Authority Pilibhit and Anr., 1980 SCC OnLine All 259 and Sovintorg (India) Ltd. v. State Bank of India, New Delhi, (1999) 6 SCC 406.

6. In the case of Pt. Chet Ram Sharma (*supra*), the Hon'ble Allahabad High Court observed as follows:-

“27. From the aforesaid, it is clear that when there is no remedy available or where though such remedy is available, it is just and expedient in the interest of justice that such power is exercised under section 151 of the C.P.C. The Courts have power in the absence of any express or implied

prohibition to pass an order as may be necessary for the ends of justice or to prevent the abuse of the process of the Court.”

7. In the case of Sheo Kishan Das (*supra*), the Hon’ble Allahabad High Court observed as hereunder:-

“15. In the case of Gangadhar v. Raghubar Dayal, AIR 1975 All 102: (1974 All LJ 751), a Full Bench of this Court has held that S. 145 of the Civil P.C. was not exhaustive of the power of the court to grant restitution and that such restitution can also be granted in a suitable case in the exercise of the inherent powers vested in it. Even though S. 144 of the Civil P.C. did not in terms apply to the proceedings before the Prescribed Authority, the principles underlying S. 151 had been expressly made applicable to proceedings under the Act.”

8. In the case of Sovintorg (India) Ltd. (*supra*), one of the issues before the Hon’ble Supreme court was payment of interest under the Consumer Protection Act, 1986. The Hon’ble Supreme Court observed that **“Interest cannot be claimed under Section 34 of the Civil Procedure Code as its provisions have not been specifically made applicable to the proceedings under the Act. We, however, find that the general provision of Section 34 being based upon justice, equity and good conscience would authorise the Redressal Forums and Commissions to also grant interest appropriately under the circumstance of each case”**.

THE RESPONDENT

9. Learned counsel for the respondent would submit that the Act has been enacted to provide, in the interest of the general public, for the regulation of letting and rent of and the eviction of tenants from, certain classes of buildings situated in urban areas and for matters connected therewith. He would submit that the proceedings under the Act are summary in nature. Section 34 of the Act as well as Rule 22 of the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Rules, 1972 (“the Rules”) does not make Order 7 Rule 11 of the Code applicable to the proceedings under the Act; only limited provisions of the Code are made applicable and, in fact, this Act has been given an overriding effect over the provisions of the Code as per Section 38 of the Act.

10. It is argued that Rule 15 of the Rules commands that every application filed under Section 21(1) of the Act for release of a building shall, as far as possible, be decided within two months from the date of its presentation. Learned counsel for the respondent would submit that if the provisions of Order 7 Rule 11 of the Code are made applicable to the proceedings under the Act, it would further prolong the proceeding and delay its disposal, which would be against the mandate and intent of the Act.

Therefore, it is submitted that the provisions of Order 7 Rule 11 of the Code cannot be made applicable in a proceeding under the Act.

DISCUSSION AND CONCLUSION

11. In the case of Majid Khan (*supra*), this Court did not deal with the provisions of Section 151 of the Code, which are applicable in the proceedings under the provisions of the Act. It is true that the proceedings under the provisions of the Act are summary in nature with a purpose to safeguard the interest of the landlord-tenant relationship. The eviction could be on certain grounds that may be established by the landlord.

12. Section 34 of the Act provides that certain provisions of the Code shall be applicable in the proceedings under the Act. It reads as hereunder:-

“34. Powers of various authorities and procedure to be followed by them - (1) The District Magistrate, the prescribed authority or any Appellate or Revising Authority shall for the purposes of holding any inquiry or hearing any appeal or revision under this Act have the same powers as are vested in the Civil Court under the Code of Civil Procedure, 1908 (Act No. V of 1908), when trying a suit, in respect of the following matters namely, -

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) receiving evidence on affidavits;
- (c) inspecting a building or its locality, or issuing commission for the examination of witnesses or documents or local investigation;
- (d) requiring the discovery and production of documents;
- (e) awarding, subject to any rules made in that behalf, costs or special costs to any parts or requiring security for costs from any party;
- (f) recording a lawful agreement, compromise or satisfaction and making an order in accordance therewith;
- (g) **any other matter which may be prescribed.**

(emphasis supplied)

13. In pursuant to Section 34(1)(g) of the Act, the Rules were framed. Rule 22 is relevant for the purposes of the instant controversy. It reads as hereunder:-

“22. Powers under the Code of Civil Procedure, 1908 [Section 34(1)(g)]. – The District Magistrate, the Prescribed Authority or the Appellate or revising authority shall, for the purposes of holding any inquiry or hearing any appeal or revision under the Act, shall have the

same powers as are vested in the Civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely –

- (a) the power to dismiss an application, appeal or revision for default and to restore it for sufficient cause;
- (b) the power to proceed *ex parte* and to set aside, for sufficient cause, an order passed *ex parte*;
- (c) the power to award costs and special costs to any successful party against an unsuccessful party;
- (d) the power to allow amendment of an application, memorandum of appeal or revision;
- (e) the power to consolidate two or more cases of eviction by the same landlord against different tenants;
- (f) **the power referred to in Sections 151 and 152 of the Code of Civil Procedure, 1908 to make any order for the ends of justice or to prevent the abuse of the process of the authority concerned.”**

(emphasis supplied)

14. Section 34 of the Act specifically provides as to which provisions of the Act shall be applicable in the proceedings under the provisions of the Act. Section 34(1)(g)

of the Act is an enabling provision, which provides that **“any other matter which may be prescribed”** are applicable in the proceedings under the provisions of the Act. Under this clause (g) of Section 34(1) of the Act, Rule 22 has been framed. It also does not specifically make the provisions of Order 7 Rule 11 of the Code, applicable to the proceedings under the Act.

15. But, the fact remains that Rule 22 (f) of the Rules makes the provisions of Section 151 and 152 of the Code applicable in the proceedings under the provisions of the Act. These provisions of Section 151 and 152 of the Code may be applicable so as to make any order for the ends of justice or to prevent the abuse of the process of the authority concerned.

16. Section 38 of the Act also provides that the Act shall have an overriding effect over the Transfer of Property Act, 1882 and the Code. It reads as follows:-

“38. Act to override T.P. Act and Civil Procedure Code. – The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Transfer of Property Act, 1882 (Act No. IV of 1882), or in the Code of Civil Procedure, 1908 (Act No. V of 1908).”

17. Before proceeding further, it would be apt to see as to what Order 7 Rule 11 of the Code commands. It reads as hereunder:-

“O.7 Rule 11. Rejection of plaint. – The plaint shall be rejected in the following cases:-

- (a) where it does not disclose a cause of action;
- (b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, failed to do so;
- (c) where the relief claimed is properly valued but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;
- (d) where the suit appears from the statement in the plaint to be barred by any law;
- (e) where it is not filed in duplicate;
- (f) where the plaintiff fails to comply with the provisions of Rule 9;

Provided that the time fixed by the Court for the correction of the valuation or supplying of requisite stamp-papers shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-papers, as the case may be, within the time fixed

by the Court and that refusal to extend such time would cause grave injustice to be plaintiff.”

18. A bare perusal of Order 7 Rule 11 of the Code makes it abundantly clear that, in fact, it empowers the court under certain circumstances to reject the plaint at the threshold of its presentation.

19. In the case *T. Arivandadam v. T.V. Satyapal and another*, (1977) 4 SCC 467, the Hon’ble Supreme Court observed **“The learned Munsif must remember that if on a meaningful — not formal — reading of the plaint it is manifestly vexatious, and meritless, in the sense of not disclosing a clear right to sue, he should exercise his power under Order 7, Rule 11 CPC taking care to see that the ground mentioned therein is fulfilled. And, if clever drafting has created the illusion of a cause of action, nip it in the bud at the first hearing by examining the party searchingly under Order 10, CPC. An activist Judge is the answer to irresponsible law suits. The trial courts would insist imperatively on examining the party at the first hearing so that bogus litigation can be shot down at the earliest stage”**. There cannot be any better explanation of the purpose for enacting the provisions of Order 7 Rule 11 of the Code. A vexatious litigation should be stopped at the earliest stage.

An irresponsible law suit should be stopped. It should be nipped in the bud.

20. The question for consideration is that if for discouraging vexatious suits there exists a provision in the Code, should not vexatious application filed under the provision of the Act be also checked at its threshold? But, the fact remains that the provision of Order 7 Rule 11 of the Code are not made applicable in a proceeding under the Act, by Section 34 of the Code and Rule 22 of the Rules. Provisions of Section 151 of the Code have been made applicable so as to meet the ends of justice. What is its scope? This needs a little more examination.

21. Sections 151 and 152 of the Code read as follows:-

“151. Saving of inherent powers of Court. - Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

152. Amendment of judgments, decrees or orders. - Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties.”

22. In the case of Padam Sen v. State of Uttar Pradesh, (1961) 1 SCR 884, the Hon'ble Supreme Court observed and examined the inherent powers under Section 151 of the Code as hereunder:-

“The inherent powers of the Court are in addition to the powers specifically conferred on the Court by the Code. They are complementary to those powers and therefore it must be held that the Court is free to exercise them for the purposes mentioned in Section 151 of the Code when the exercise of those powers is not in any way in conflict with what has been expressly provided in the Code or against the intentions of the legislature.”

23. In the case of Manohar Lal Chopra v. Rai Bahadur Rao Raja Seth Hiralal, AIR 1962 SC 527, the Hon'ble Supreme Court observed that **“The inherent power has not been conferred upon the Court; it is a power inherent in the Court by virtue of its duty to do justice between the parties before it.”** It was further held that **“Inherent jurisdiction of the court to make orders ex debito justitiae is undoubtedly affirmed by Section 151 of the Code, but that jurisdiction cannot be exercised so as to nullify the provisions of the Code. Where the Code deals expressly with a particular matter, the provision should normally be regarded as exhaustive”**. These principles have been followed in the case of National

Institute of Mental Health and Neuro Sciences v. C. Parameshwara, (2005) 2 SCC 256.

24. In the case of State of Uttar Pradesh and others v. Roshan Singh (Dead) By LRs. and others, (2008) 2 SCC 488, the Hon'ble Supreme Court observed that **"In matters with which the Code of Civil Procedure does not deal with, the court will exercise its inherent power to do justice between the parties which is warranted under the circumstances and which the necessities of the case require"**. The Court further observed **"The object of Section 151 CPC is to supplement and not to replace the remedies provided for in the Code of Civil Procedure. Section 151 CPC will not be available when there is alternative remedy and the same is accepted to be a well-settled ratio of law. The operative field of power being thus restricted, the same cannot be risen to inherent power. The inherent powers of the court are in addition to the powers specifically conferred on it. If there are express provisions covering a particular topic, such power cannot be exercised in that regard"**.

25. In the case of Nahar Industrial Enterprises Limited v. Hong Kong and Shanghai Banking Corporation, (2009) 8 SCC 646, the scope of inherent powers of the court

has been discussed. The Hon'ble Supreme Court took note of the earlier judgments and observed as hereunder:-

“133. The underlying principle of Section 151 of the Code ordinarily would apply where the area is grey. **It indisputably confers incidental powers. It confers power on a court to do something which in absence of any provision contrary thereto would lead to advancement of justice and prevent injustice.** The power to transfer one case from one court to another or from one tribunal to another having jurisdiction of a different State is an extraordinary jurisdiction. For exercising the said power, this Court has to take into consideration a large number of factors. Such a power is to be exercised if exceptional situation arises and not otherwise.”

(emphasis supplied)

26. In the case of K.K. Velusamy v. N. Palanisamy, (2011) 11 SCC 275, the Hon'ble Supreme Court discussed the law on the application of Section 151 of the Code and summed up the principles as hereunder:-

“12. The respondent contended that Section 151 cannot be used for reopening evidence or for recalling witnesses. We are not able to accept the said submission as an absolute proposition. We however agree that Section 151 of the Code cannot be routinely invoked for reopening evidence or recalling witnesses. The scope of Section 151 has been explained by this Court in several decisions [see Padam Sen v. State of U.P. [AIR 1961 SC 218 : (1961) 1 Cri LJ 322] , Manohar Lal Chopra v. Seth Hiralal [AIR 1962 SC 527] , Arjun

Singh v. Mohindra Kumar [AIR 1964 SC 993] , Ram Chand and Sons Sugar Mills (P) Ltd. v. Kanhayalal Bhargava [AIR 1966 SC 1899] , Nain Singh v. Koonwarjee [(1970) 1 SCC 732] , Newabganj Sugar Mills Co. Ltd. v. Union of India [(1976) 1 SCC 120 : AIR 1976 SC 1152] , Jaipur Mineral Development Syndicate v. CIT [(1977) 1 SCC 508 : 1977 SCC (Tax) 208 : AIR 1977 SC 1348] , National Institute of Mental Health & Neuro Sciences v. C. Parameshwara [(2005) 2 SCC 256] and Vinod Seth v. Devinder Bajaj [(2010) 8 SCC 1 : (2010) 3 SCC (Civ) 212]]. We may summarise them as follows:

(a) Section 151 is not a substantive provision which creates or confers any power or jurisdiction on courts. It merely recognises the discretionary power inherent in every court as a necessary corollary for rendering justice in accordance with law, to do what is “right” and undo what is “wrong”, that is, to do all things necessary to secure the ends of justice and prevent abuse of its process.

(b) As the provisions of the Code are not exhaustive, Section 151 recognises and confirms that if the Code does not expressly or impliedly cover any particular procedural aspect, the inherent power can be used to deal with such situation or aspect, if the ends of justice warrant it. The breadth of such power is coextensive with the need to exercise such power on the facts and circumstances.

(c) A court has no power to do that which is prohibited by law or the Code, by purported exercise of its inherent powers. If the Code contains provisions dealing with a particular topic or aspect, and such

provisions either expressly or by necessary implication exhaust the scope of the power of the court or the jurisdiction that may be exercised in relation to that matter, the inherent power cannot be invoked in order to cut across the powers conferred by the Code or in a manner inconsistent with such provisions. In other words the court cannot make use of the special provisions of Section 151 of the Code, where the remedy or procedure is provided in the Code.

(d) The inherent powers of the court being complementary to the powers specifically conferred, a court is free to exercise them for the purposes mentioned in Section 151 of the Code when the matter is not covered by any specific provision in the Code and the exercise of those powers would not in any way be in conflict with what has been expressly provided in the Code or be against the intention of the legislature.

(e) While exercising the inherent power, the court will be doubly cautious, as there is no legislative guidance to deal with the procedural situation and the exercise of power depends upon the discretion and wisdom of the court, and in the facts and circumstances of the case. The absence of an express provision in the Code and the recognition and saving of the inherent power of a court, should not however be treated as a *carte blanche* to grant any relief.

(f) The power under Section 151 will have to be used with circumspection and care, only where it is absolutely necessary, when there is no provision in the Code

governing the matter, when the bona fides of the applicant cannot be doubted, when such exercise is to meet the ends of justice and to prevent abuse of process of court.”

27. The law, as settled, on Section 151 of the Code recognises and confirms the inherent power of the court to do complete justice between the parties; in exercise of the inherent power under Section 151 of the Code, a court cannot do that what is prohibited by law or by the Code.

28. On behalf of the respondent, it is submitted that in case the provisions of Order 7 Rule 11 of the Code are made applicable to the proceedings under the provisions of the Act, it would delay the proceedings. In fact, as observed in the case of T. Arivandadam (*supra*), if principles of Order 7 Rule 11 of the Code are made applicable to a proceeding under the provisions of the Act, it would stop the bogus litigation at its threshold; it would nip in bud the vexatious and frivolous litigation.

29. The provisions of Order 7 Rule 11 of the Code have not specifically been made applicable under the provisions of the Act, but, as stated, the provisions of Section 151 of the Code have been made applicable. The Act also does not expressly prohibit application of Order 7 Rule 11 of the Code, in the proceedings under the Act. Therefore, if in any proceedings under the provisions of the Act, the

competent authority finds that the litigation is vexatious and meritless, it would be a travesty of justice if such litigation is not stopped at its threshold. The authorities under the provisions of the Act should not be made helpless on that aspect. If such irresponsible law suits are not stopped at its threshold, it would not meet the ends of justice. Therefore, in order to meet the ends of justice, orders may be passed for rejecting such applications, which are manifestly vexatious, meritless in the sense of not disclosing any cause of action or which are barred by any law. Such orders would fall under Section 151 of the Code, based on the principles of Order 7 Rule 11 of the Code.

30. The provisions of Order 7 Rule 11 of the Code are not applicable in the proceedings under the provisions of the Act, but the principles underlying under Order 7 Rule 11 of the Code may be made applicable in a proceeding under the provisions of the Act, in appropriate cases, while applying the provisions of Section 151 of the Code. But, keeping in view the summary nature of the proceedings of the Act, there should also be some safeguards so that the proceedings may not be prolonged by mere filing of an application under Order 7 Rule 11 of the Code.

31. In fact, Rule 15 of the Rules mandates that as far as possible, an application for release filed under Section 21

(1) (a) of the Act should be decided within two months from the date of its presentation. If in a proceeding under the provisions of the Act, liberty is given to the opposite party to file an application under Order 7 Rule 11 of the Code, without filing objections to the main application, perhaps it may prolong the proceedings, particularly when such application under Order 7 Rule 11 of the Code is filed with an intention to just prolong the proceedings. Therefore, in order to meet the mandate of the Legislation, it may be provided that in a proceeding under the provisions of the Act a separate application under Order 7 Rule 11 of the Code may not be entertained at the behest of the opposite party. The opposite party may, though, shall be at liberty to take the plea of Order 7 Rule 11 of the Code, along with the objections to the main application. It shall be subject to the power of the court to invoke the principles of Order 7 Rule 11 of the Code, when an application under the provisions of the Act is presented or any time thereafter. Therefore, the reference is answered as follows:-

- (i) The principles of Order 7 Rule 11 of the Code shall be applicable in the proceedings under the provisions of the Act. It may be done under Section 151 of the Code.**

- (ii) A separate application under Order 7 Rule 11 of the Code at the behest of the opposite party, in a proceeding under the provisions of the Act, shall not be entertained, prior to filing of the objections to the main application.**
- (iii) The opposite party, in the proceedings under the provisions of the Act, may take a plea with regard to rejection of an application under Order 7 Rule 11 of the Code, while filing objections to the main application.**
- (iv) The authorities under the provisions of the Act shall have power to invoke the principles of Order 7 Rule 11 of the Code when the application under the provisions of the Act is presented or at any time thereafter.**

32. We have heard the parties on merits also.

33. The respondent filed a release application under Section 21 (1) (a) of the Act, which is basis of the case. In the case, an application under Order 7 Rule 11 of the Code was moved by the petitioner on the ground that earlier the

respondent had filed P.A. Case No. 1 of 2013 (“the first P.A. case”) in which parties had entered into a compromise, according to which, the respondent had agreed to give ownership rights to the petitioner over the tenanted premises. It has been the case of the petitioner that the respondent has not been abiding by the terms and conditions of the compromise, which they entered into the first P.A. case, therefore, the application under Section 21(1)(a) of the Act filed by the respondent is liable to be rejected.

34. The respondent filed her objections to the application under Order 7 Rule 11 of the Code. According to the respondent, in the proceeding under the provisions of the Act, the provisions of Order 7 Rule 11 of the Code are not applicable, therefore, the application deserves to be dismissed. It has also been the case of the respondent that merely for harassing the respondent, the application under Order 7 Rule 11 of the Code has been filed. It is this application under Order 7 Rule 11 of the Code, which has been rejected by the impugned order.

35. On factual aspects, learned counsel for the petitioner would submit that earlier the respondent had filed an application for release of tenanted premises, in which the parties had entered into a compromise; in the

compromise, the respondent had agreed to transfer the ownership rights of the tenanted premises, which she did not transfer and instead filed the case, therefore, the case is not maintainable.

36. Copy of the compromise has also been filed along with the petition, which is part of Annexure 1. In fact, as per the compromise, the petitioner had also agreed to transfer certain properties to the respondent.

37. Learned counsel for the petitioner very fairly concedes that even the petitioner did not perform his part of the obligations under the compromise.

38. In the compromise, the parties had merely agreed to do something in future, which neither the petitioner nor the respondent ever performed. These are disputed questions of facts.

39. Learned counsel for the respondent would submit that the application under Order 7 Rule 11 of the Code has been filed by the petitioner merely to delay the disposal of the case. He would submit that initially the case proceeded *ex parte* against the petitioner. He moved an application for recall. Thereafter, he was permitted to file his objection. But, instead of filing objection, he moved an application under Order 7 Rule 11 of the Code.

40. The application under Section 21 (1) (a) of the Act, which has been filed by the respondent is based on *bona fide* need. The application, which is Annexure 5, discloses cause of action. On the face of it, it does not show that it is barred by any provisions of law.

41. What would be the effect of compromise that has been entered into by the petitioner and the respondent in the first P.A. Case is subject to examination and adjudication. That may be a defence available to the petitioner, but that may not be a ground to reject the application under Section 21 (1) (a) of the Act filed by the respondent. Therefore, this Court is of the view that the Prescribed Authority although on different grounds, but, rightly rejected the application under Order 7 Rule 11 of the Code filed by the petitioner on 22.11.2021. The order impugned does not warrant any interference.

42. The writ petition also stands disposed of accordingly.

VIPIN SANGHI, C.J.

MANOJ KUMAR TIWARI, J.

RAVINDRA MAITHANI, J.