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

Date of decision: 19th November, 2018

+ CM(M) 2/2018 & CM APPLs. 34-37/2018

V K DEWAN & CO Petitioners

Through: Mr. Shashi Dewan, Partner of
the Petitioner in person

versus

DELHI JAL BOARD & ANR Respondents

Through: Mr. Rameezuddin Raja, Adv.
for Ms. Sangeeta Bharti, ASC for DJB

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

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J U D G M E N T (O R A L)

1. This petition impugns the order, dated 18th September, 2017, passed by the learned ADJ on an application, filed by the plaintiff, under Order VII Rule 14(3) and Order VII Rule 14(2) of the Code of Civil Procedure, 1908.

2. The order may be reproduced, in its entirety, thus:

“ IN THE COURT OF SH. MANISH GUPTA,
ADJ-04, NORTH-WEST, ROHINI COURTS, DELHI.

OS No. 578071/16

M/s. V.K. Dewan & Co.

.... .Plaintiff

Versus

Delhi Jal Board & Anr.

..Defendants

18.09.2017

ORDER

(1). Vide this order I shall dispose off the application under Order 7 Rule 14(3) read with Order 7 Rule 14(2) CPC filed on behalf of plaintiff on 11.11.2016.

(2). I have already heard arguments on the application and perused the record.

(3). The application was strongly opposed by the counsel for the defendant. The present suit is for recovery of Rs. 58,25,755/- (Rupees Fifty Eight Lacs Twenty Five Thousand Seven Hundred and Fifty Five Only). In the application under consideration it is mentioned that due to inadvertence of the counsel for the plaintiff many important documents which needed to be filed have been left out of the documents filed alongwith the plaint. The plaintiff/applicant has argued the application himself and also highlighted the order dated 12.01.2016 passed in this case. On 12.01.2016 Shri S.K. Gandhi, counsel for the plaintiff sought discharge and he was discharged in this case. At that stage of the case the matter was pending before the Hon'ble High Court of Delhi which was subsequently transferred to the District Court. After 12.01.2016 the matter was fixed for 05.04.2016 and thereafter on 21.07.2016 and on 11.11.2016 also. No reason has been given in the application as to why the application under consideration was not filed earlier within time. There is reference of 11 documents in the application under consideration, most of which are the letters of different dates. During arguments the applicant submitted that the documents have not been filed with the application under consideration which are referred in the application under consideration.

(4). The counsel for the defendant opposed the application on the ground that the plaintiff has not referred about these documents in the plaint. In the plaint there is mention of number of different letters, however, the letters as mentioned in the application under consideration are not referred in the plaint. Issues have already been framed in this case. During arguments it was submitted on behalf of applicant that said documents are in possession of the applicant, however, due to fault of the counsel the same could not be filed earlier. In

view of overall facts and circumstances and reasons given and observations made above, I do not see any merits in application under consideration. Hence, the same is hereby dismissed. Ordered accordingly.”

3. It is clear, from a reading of the order, that it is completely bereft of reasons.

4. The learned ADJ has merely recorded the submissions of both sides and proceeded to hold that “in view of overall facts and circumstances and reasons given and observations made above, I do not see any merits in application under consideration”.

5. Though the order refers to “reasons and observations made above”, a holistic reading of the order does not disclose either any “reason” or “observation” as would support the final decision of the learned ADJ.

6. Reasons, it is trite, are the lifeblood of every judicial order and, sans reasons, no order can sustain the scrutiny of law.

7. Accordingly, on account of its being unreasoned, the impugned order dated 18th September, 2017 (supra) is set aside and the application of the plaintiff under Order VII Rule 14 (3) and Order VII Rule 14 (2) of the Code of Civil Procedure, 1908 is remanded to the learned ADJ for being considered afresh.

8. Both parties are directed to appear before the learned ADJ for the said purpose on 12th December, 2018.

9. The writ petition stands allowed to the above extent.

C. HARI SHANKAR, J.

NOVEMBER 19, 2018

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