



\$~5 (Appellate)

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

+ CM(M) 506/2022 & CM APPL. 25909/2022

SH. PARDEEP SETHI & ANR. Petitioners
Through: Mr. Harish Katyal, Adv. with
Ms. Sonika Katyal, Ms. Monika Katyal and
Ms. Ekta Kundu, Adv.

versus

USHA RANI SETHI (THROUGH LRS & ORS.... Respondents
Through: Mr. Sanjeev Manchanda and
Ms. Ravita Manchanda, Adv. for R-2 and 3
Mr. Saad Shervani, ASC for R-4 and 5 with
Mr. Mananjay Mishra, Adv.
Mr. J.K.Sharma and Mr. N.K.Verma, Adv.
for R-6 and 7

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGEMENT (ORAL)

% **03.08.2022**

1. The impugned order dated 7th March, 2022, passed by the learned Additional District Judge (“the learned ADJ”) in CS 9713/2016 (*Pradeep Kumar Sethi v. Smt. Usha Rani Sethi & Ors.*) rejects an application filed by the petitioner under Order VI Rule 17 of the Code of Civil Procedure, 1908 (CPC) in a completely unreasoned fashion.

2. All that is to be found, in the impugned order of the learned ADJ, which could classify as reasons for his decision, are contained in the following paragraph:



“As far as the proposed amendments are concerned, I think there is no need for these amendments since the facts mentioned are already covered in the pleadings (after earlier amendments)”and in various proceedings of the case.”

3. To say the least, this is a most unsatisfactory way of disposing of an application under Order VI Rule 17 of the CPC.
4. A bare minimum reasoning is excepted, by way of reasons, when an application under Order VI Rule 17 of the CPC is dealt with; especially where it is rejected.
5. As such, the impugned order is quashed and set aside. The application filed by the petitioner Order VI Rule 17 of the CPC is remanded for *de novo* consideration to the learned ADJ.
6. The learned ADJ would hear both sides on the application and pass a reasoned and speaking order on the application uninfluenced by the view expressed in the impugned order 7th March 2022.
7. For the said purpose, both sides shall appear before the learned ADJ on 17th August 2022. The learned ADJ would endeavour to hear the application, under Order VI Rule 17 CPC on the same day and take a decision thereon either on that day or shortly thereafter.
8. This petition stands allowed in the aforesaid terms, with no order as to costs.

C. HARI SHANKAR, J.

AUGUST 3, 2022/dsn