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

+ C.R.P.229/2018

PHULGITA DEVI

..... Petitioner

Through: Mr. Sajan K. Singh , Advocate.

versus

KRISHAN KMAR & ORS.

..... Respondent

Through: Mr. Vishal Bakshi with Mr. Sushant Singh, Mr. Vikram Gupta and Mr. Pradeep Kumar Shukla, Advocates.

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Date of Decision: 07th September, 2022.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CM APPL.12727/2022 (for disposal of the petition)

For the reasons stated in the application, the application is allowed.

The petition is taken up for disposal today itself.

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1. The present revision petition has been filed challenging the order dated 18.07.2018, whereby, the application filed by the petitioner under

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Order VII Rule 11 CPC has been dismissed. The relevant para of the order passed by the learned Trial Court is as follows:-

“Arguments on fourth application U/o 7 Rule 11 CPC moved on behalf of the defendant have been heard. Record perused.

In the application, it has been pleaded by the defendant that the present suit has been filed after allowing of eviction petition filed by the defendant and dismissal of RC Rev. petition no. 527/2011 and SLP (C) No. 25492/2014 filed by the plaintiff. It has been further stated that the plaintiff has not valued the suit property for the purposes of court fees as the value of the suit property has been enhanced. It has been prayed that the plaint may kindly be rejected.

In the reply, it is stated by the plaintiff that the Issue of res judicata does not arise in the present matter. It is stated that the decree of eviction was obtained by the defendant against the plaintiff by playing a fraud. It has been denied that the present suit is without any cause of action. It has been stated that the valuation of the suit is proper and correct. It has been prayed that the application filed by the defendant U/o VII Rule 11 CPC may be dismissed,

Considering the totality of the facts and circumstances of the case, it cannot be said at this stage that there is no cause of action against the defendant or that the plaintiff has filed the present suit without any cause of action. The suit is at its initial stage. I am of the opinion that the application filed by the defendant U/o VII Rule 11 CPC is without any merits and the same is hereby dismissed.

Put up for replication, if any, A/D of document and issues for 04.10.2018.”



2. Learned Trial Court vide the common order has decided several applications, including the present application under Order VII Rule 11 CPC. The reasoning in a judicial order is the lifeline of any judicial order. The Judge while passing an order has to not only record the case of the parties but also must give reasons for reaching to a conclusion. Orders which are bereft of reasoning cannot be termed as good order and are liable to be set aside in the revisional jurisdiction. In the present case, the learned Judge while passing the order assailed herein has not given any reasoning at all for reaching to the conclusion and therefore it cannot sustain in the eyes of law.

3. Accordingly, the present petition is allowed. The matter is remanded back to the learned Trial Court for disposal of the application under Order VII Rule 11, CPC in accordance with law.

4. In view of the above, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 07, 2022
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