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

+ C.R.P. 158/2023, CM APPL. 31663/2023 (stay)

SUNIL DAHIYA & ANR.

.....Petitioners

Through: Mr. Ashutosh Lohia, Ms. Shraddha
Bhargav, Mr. Sharan Mehta and Mr.
Rohit Saraswat, Advocates.

versus

P K VASUDEVA & ANR.

.....Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

26.11.2024

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C.R.P. 158/2023

1. The Revision Petition under Section 115 of the *Code of Civil Procedure, 1908* ('CPC' hereinafter) has been filed on behalf of the Petitioners against the Order dated 22.03.2023 *vide* which the Application under Order VII Rule 11 CPC filed on behalf of the Revisionists/Defendants in the Suit for Recovery, has been rejected.

2. *Briefly stated*, the Respondents, Mr. P.K. Vausdeva and Smt. Rekha Vasudeva are related to the nephew of the Revisionists, namely, Mr. Sunil Dahiya and Mrs. Ritu Dahiya, as their son-in-law. Civil Suit had been filed for Recovery of Rs. 50,000/- wherein averments have been made that Rs.50,000/- was given as a 'financial help' for purchase of the car for their son-in-law but later, it has been stated in the Plaint, to be a 'loan amount' which has to be refunded.

3. It is further submitted that the contents of the Plaint, are absolutely vague as it nowhere gives the name of the particular Plaintiff, who gave the money or the name of the Defendant, to whom the money was given. It does not stand to logic as to why the Plaintiffs would render financial assistance



for purchase of car by the Defendant for their son-in-law. It is asserted that there are multiple litigations *inter se* the parties on account of the matrimonial disputes between the son-in-law and their daughter which has resulted in filing of this vexatious Suit.

4. It is further submitted that the only document filed in support of the alleged loan is the WhatsApp communication, which in no way corroborates the averments made in the Plaint. Moreover, it is not even supported with the Certificate under Section 65B of the *Evidence Act, 1872*. There is no 'cause of action' disclosed in the Plaint, despite which the Application under Order VII Rule 11 CPC, has been rejected in a mechanical way. Hence, the present Revision Petition has been filed.

5. None has appeared on behalf of the Respondents, who are proceeded *ex-parte*.

6. **Submissions heard.**

7. The Plaintiffs, who are husband and wife, have filed a Suit for Recovery of Rs.50,000/- on the Plaintiff against the Defendant Nos. 1 and 2, who both are also husband and wife. However, while making the averments, it is claimed that on the request of the Defendants in November, 2018, the Plaintiffs agreed to provide financial assistance of Rs.1,00,000/-, which was required by the Plaintiffs, for purchase of a brand new car for their son-in-law. Thereafter, it is averred that when the Plaintiff showed their inability to provide the financial assistance, the Defendant started emotionally blackmailing them. Subsequently, seeing the close relationship of their daughter and the reasons given by the Defendants, Plaintiff arranged Rs. 50,000/- and gave it to the Defendant, on 03.12.2018.

8. Pertinently, there are two Plaintiffs and there are two Defendants,



however, in Paragraph 8, the term used is Plaintiff and Defendant, without disclosing the name of the Plaintiff or the Defendant between whom the money was exchanged. This is pertinent because in the earlier Paragraph, it was stated that the Plaintiffs had expressed their inability to render financial assistance but subsequently money was arranged by the Plaintiff, from his own personal resources; which Plaintiff arranged the money, is also not specified anywhere in the Plaint.

9. Furthermore, it has been rightly argued on behalf of the Revisionists/Defendants that what was given was a 'financial assistance' which was not in the nature of a 'loan' but subsequently, it has been asserted that it was extended as a loan and was liable to be returned. T

10. The averments made in the Plaint, although might give a resemblance of some kind of cause of action but looking at the vagueness regarding which Plaintiff gave the money to which the Defendant, it can only be concluded that the averments made in the Plaint, are vague and do not disclose any cause of action.

11. The corresponding WhatsApp Chat, which has been annexed with the Plaint, in support of the assertions, also merely records that ,the mother is asking when the money would be returned' and subsequently that '*mere papa pooch rahe hai'l*'. This kind of WhatsApp conversation also in no manner explains the contents of the Plaint.

12. It is, therefore, concluded that the Plaint has not disclosed any cause of action being vague and lacking in material particulars.

13. The impugned Order dated 22.03.2023, is set-aside. The Application under Order VII Rule 11 CPC is allowed and the Suit is hereby rejected.



14. The Revision Petition is disposed of accordingly along with the pending Application.

NEENA BANSAL KRISHNA, J

NOVEMBER 26, 2024/RS