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

+ **CM(M) 3908/2024**

DEEPAK GOEL

.....Petitioner

Through: **Ms. Kanika Jain, Advocate.**

versus

M/S CITICHEM INDIA LIMITED & ORS.Respondents

Through: **Ms. Beenashaw Soni, SPC with Ms.
Mansi Jain, Advocate for R-3.**

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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25.11.2024

CM APPL. 68690/2024 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CM(M) 3908/2024

1. Petitioner is the plaintiff before the Trial Court. Petitioner filed a suit for recovery, which is stated to be pending before the District Judge, Commercial Courts. The learned Trial Court, vide order dated 01.04.2024, directed the petitioner that upon filing of deficient documents i.e. declaration under Order XI Rule 6(3) of CPC, summons for settlement of issues be issued to the defendant on filing of PF, RC and requisite copies.
2. The learned counsel submits that PF was filed with the Ahlmad of the Court on 03.06.2024. The acknowledgment of receipt of PF was issued by the Ahlmad, which is part of the digital record being Annexure P11.



3. The learned counsel submits that Ahlmad had misplaced the PF and RCs containing the copies of the documents. He states that Ahlmad, in fact, made a telephone call to the counsel requesting him to file an application for condonation of delay and for producing the fresh RCs and documents for notice to the defendant.

4. The learned counsel further submits that this fact was brought to the knowledge of the Court on the date fixed i.e. 29.10.2024 but the learned Trial Court did not take notice of the same and rather recorded in the order sheet that steps were not taken by the plaintiff and directed issuance of fresh notice to the defendant.

5. By virtue of the present petition, the petitioner has prayed for directions for conducting an enquiry against the erring staff of the Trial Court through the learned Registrar General of this Court so that in future no such lapse occurs.

6. The learned counsel representing respondent No. 3 submits that High Court is not the disciplinary/appointing authority of the staff of the District Courts and as per notification dated 02.12.2013, the High Court is appointing/disciplinary authority only qua posts of Administrative officers/Judicial officers and above. She has also objected to the maintainability of the present petition submitting that the relief claimed cannot be granted by filing CM (M).

7. Admittedly, High Court is not the appointing/disciplinary authority of the staff of the District Courts except for the Administrative officers and above positions, and therefore, no enquiry can be conducted by the High Court against the concerned Ahlmad. The Principal District and Sessions Judge being the appointing cum disciplinary authority is only competent to



take disciplinary action against the erring staff. Admittedly, no complaint has been made against the erring official to the office of Principal District and Sessions Judge. The appropriate remedy available to the petitioner was to first approach the appointing cum disciplinary authority of the official and make a compliant and seek redressal.

8. At this stage, learned counsel of petitioner does not press the petition before this Court and rather seeks permission to file complaint before the concerned Principal District and Sessions Judge against the erring official.

9. The statement of learned counsel is taken on record.

10. The petition is dismissed as withdrawn with liberty to the petitioner to file an appropriate complaint before the office of concerned Principal District and Sessions Judge, who shall consider the same and take appropriate action as per law.

RAVINDER DUDEJA, J

NOVEMBER 25, 2024/vp