



\$~29

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

+ **C.R.P. 143/2024 & CM APPL. 25342/2024**

BETTINA GILL (NOW KNOWN AS
TEENA GILL)

.....Petitioner

Through: Mr. Sambit Nanda &
Ms. Samaya Khanna,
Advs.

versus

DIGVIJAI SINGH GILL

.....Respondent

Through: Mr. Aman Nandrajog &
Ms. Shreya Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

12.02.2025

%

1. The present petitioner is filed challenging the order dated 28.02.2024 (hereafter '**impugned order**'), passed in CS DJ No. 949/22, whereby the learned Additional District Judge ('**ADJ**') dismissed the application filed by the petitioner under Order VII Rule 11 of the Code of Civil Procedure, 1908 ('**CPC**').
2. The application under Order VII Rule 11 of the CPC was filed by the petitioner essentially on the ground that the Courts in Delhi have no territorial jurisdiction to decide the suit. Pursuant to the filing of the application, the petitioner filed a written statement stating that on legal opinion, the petitioner has been advised to not press the application in order to avoid multiplicity of proceedings and to facilitate expeditious disposal of the matter.
3. In the impugned order, the learned ADJ noted that the statement of the learned counsel for the defendant to that effect



was recorded on 08.01.2024. The learned ADJ further noted that the counsel for the parties were heard extensively on the application under Order VII Rule 11 of the CPC and the matter had already reached the stage for pronouncement of the order.

4. The learned ADJ, therefore, did not permit the petitioner to withdraw the application under Order VII Rule 11 of the CPC and dismissed the application noting that– *“Even on merit, the Court finds no ground for allowing the aforesaid application of defendant seeking rejection of the plaint under Order VII Rule 11 CPC”*.

5. The petitioner is aggrieved that the application has not been adjudicated on merits.

6. The learned counsel for the petitioner submits that the learned ADJ, at that stage, could have either allowed the petitioner to withdraw the application under Order VII Rule 11 of the CPC or dismiss it after considering the arguments raised on behalf of the petitioner.

7. He submits, on instructions, that the petitioner wants to contest the application under Order VII Rule 11 of the CPC on merits and had, in fact, advanced all arguments in that regard before the learned ADJ.

8. The learned counsel for the respondent/ plaintiff submits that the petitioner, after taking a categorical stand by filing a written statement that he is submitting to the jurisdiction of the learned Trial Court, cannot be permitted to take a contrary stand now.

9. He submits that the application has been dismissed on the categorical stand of the petitioner that he had submitted to the jurisdiction of the learned ASJ.

10. The same, however, is not reflected in the impugned order.



11. From a perusal of the impugned order, it is evident that no reason has been given for dismissing the application on merits. An order dismissing a substantive application should reflect the application of mind and the reasons for doing so.

12. Considering the above, the impugned order is set aside and the matter is remanded back to the learned ADJ for consideration afresh.

13. All the rights and contentions of the parties are kept open to be agitated before the learned ADJ, including the objection that after having taken a categorical stand in the written statement in regard to submitting to the jurisdiction of the learned Trial Court, the petitioner cannot maintain the application under Order VII Rule 11 of the CPC on the ground of territorial jurisdiction.

14. The petition is disposed of in the aforesaid terms. Pending application also stands disposed of.

AMIT MAHAJAN, J

FEBRUARY 12, 2025

“SS”