

**RA-CR-169-2025 in
CR-5608-2025**

**PRAVEEN GAVRI
VS
AVIVA LIFE INSURANCE CO. INDIA LTD.**

Present: Mr. Manish Jain, Sr. Advocate
with Mr. Bharat Mani Goyal, Advocate
Mr. Siddhant Jain, Advocate
for review applicant/respondent.

Mr. Sumeet Mahajan, Sr. Advocate
with Mr. Shrey Sacheva, Advocate
Ms. Radhika Deekshay Singh, Advocate
for the non-applicant/petitioner.

1. The review applicant has filed present review petition under Order XLVII Rule 1 read with Section 151 of the Code of Civil Procedure, 1908 (in short 'CPC') for review of order dated 23.09.2025 passed by this Court in CR-5608-2025 on the ground that order dated 23.09.2025 has been passed without issuing notice to the applicant/respondent.
2. Learned Senior counsel for review applicant/respondent contends that petitioner filed two applications for amendment before learned Additional District Judge, Gurugram on the same ground that he was under stress and therefore, could not amend the civil suit at the initial stage.
3. He further contends that the petitioner could not file the second application, which was not even maintainable being barred by *res judicata*.
4. He further contends that Section 40 of Specific Relief Act, 1963 (in short '1963 Act'), would not be applicable in the case of the petitioner.
5. Further that Order VI Rule 17 of the Code of Civil Procedure, 1908 clearly states that 'due diligence' is required to be seen by the Courts before allowing amendment of the Civil Suit.

**RA-CR-169-2025 in
CR-5608-2025**

6. In support of his contentions, he relies upon the following judgments:-

- 1. Dinesh Goyal alias Pappu Vs. Suman Agarwal (Bindal) and others, 2024 SCC Online SC 2615.*
- 2. Laxmi Rani Das and another Vs. Anjali Das and another, 2025 SCC Online Cal 8527.*
- 3. Udhab Datta Vs. Puspa Rani Goswami, 2025 SCC Online Tri 583.*
- 4. Basavraj Vs. Indira and others, (2024) 3 SCC 705.*
- 5. Pandit Santosh Kumar Misra Vs. Laxmi Prashad and another, 2025 SCC Online P&H 8743.*
- 6. Sayed Hussain Hydrose Thangal Vs. K.J Paul and others, MFA (Waqf) No.10 of 2025, decided on 19.12.2025.*

7. He therefore prays that present review application be allowed.

8. Per contra, learned Senior counsel for non-applicant/petitioner contends that order dated 23.09.2025 passed in CR-5608-2025 is well reasoned, therefore, the review filed by the respondent be dismissed.

9. I have heard learned Senior counsel for the parties at length and, with their able assistance, carefully perused the whole file of this case.

10. Vide judgment dated 23.09.2025, though no notice was issued to the respondent, this Court has specifically dealt with the scope of Order VI Rule 17 of the CPC and Section 40 of the 1963 Act. The contentions of the review applicant as made before this Court as the same are were made before learned Additional District Judge, Gurugram when the application under Order VI Rule 17 of the CPC for amendment of the plaint was dealt with and order dated 25.07.2025 was passed and the same are also dealt with by this Court in order dated 23.09.2025 passed by this Court in CR-5608-2025.

**RA-CR-169-2025 in
CR-5608-2025**

11. So far as the contention of learned Senior counsel for review applicant with respect to filing of two applications for amendment and that the second application being barred by *res judicata* is concerned, the same is also noted in judgment dated 23.09.2025, since, learned Additional District Judge, Gurugram vide its order dated 25.07.2025 dismissed the second application filed by the petitioner on the ground that first application for amendment of plaint was dismissed on merits after taking into consideration all the facts and circumstances necessary to be discussed at the time of adjudication of the application for amendment of plaint and the Court has no power to review the earlier decision. And this also has been noted by this Court in order dated 23.09.2025 passed in CR-5608-2025. Therefore, every argument of review applicant is already dealt with in order dated 23.09.2025 passed by this Court CR-5608-2025.

12. Now coming to the judgments relied upon by learned Senior counsel for review applicant/respondent. All the judgments referred to above by learned Senior counsel for review applicant deals with the scope of Order VI Rule 17 of the CPC, which is specifically dealt with by this Court while deciding CR-5608-2025 vide order dated 23.09.2025.

13. In view of the same no ground to review order dated 23.09.2025 passed by this Court in CR-5608-2025 is made out.

14. Hence, dismissed.

January 21, 2026

Ayub/Saahil

**(SUDEEPTI SHARMA)
JUDGE**