

**(2016) 12 RAJ CK 0090**  
**In the Rajasthan High Court**  
**Case No : Civil Writ No. 5270 of 2015**

Jaspal Kaur Jatsikh

APPELLANT

Vs

District Judge, Hanumangarh (Raj.)

RESPONDENT

**Date of Decision :** 16-12-2016

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Order 6 Rule 17

**Citation :** (2017) 1 DNJ 270 : (2017) 1 WLCRajUC 338 : (2017) 2 WLN 321

**Hon'ble Judges :** Mr. Sanjeev Prakash Sharma, J.

**Bench :** Single Bench

**Advocate :** Trilok Joshi, Advocate, for the Petitioners; Rakesh Matoria, Advocate, for the Respondents

**Final Decision :** Disposed Off

## Judgement

Mr. Sanjeev Prakash Sharma, J.—Learned counsel for the petitioner has taken this Court to order dated 30.04.2015 whereby application under Order 6, Rule 17 CPC moved by the respondent No.2 has been allowed without assigning any reason or without even considering the submissions and arguments of either parties.

2. To understand the arguments raised by learned counsel for the petitioner, it would be in the fitness of things to quote order dated 30.04.2015 :

"30-04-2015

odqyk, miA

cgl nj] vUrxZr vkns"k 6 fu;e 17 lh0ih0lh0 lquh x;hA vf/koDrk vizkFkhZ la0 2 o 3 us tkfgj fd;k dh izk0 i= vLohdkj gksus ij izdj.k dh izd`fr esa cnyko vk ik;sxk rFkk izk0 i= [kkfjt fd;s tkus dk fuosnu fd;kA lquk x;k rFkk i=koyh dk voyksdu fd;k x;kA rF;ksa ,oa ifjLFkfr;ksa dks ns[krs gq, izk0 i= vkns"k 6 fu;e 17 lh0ih0lh0 Lohdkj fd;k tkrk gSA vf/koDrk izkFkhZ la"kkSF/kr izk0 i= izLrqr djsA i=koyh izLrqr gksus la"kkSF/kr izk0 i= fnukad 13-05-2015 dks is"k gksA

3. From perusal of the aforesaid, it is apparent that the learned District Judge, Hanumangarh has not given any reason for allowing the application.

4. Without going further to comment on the same, this Court deems it appropriate to remand the matter back to the District Judge, Hanumangarh. Both the parties shall remain present before the trial court on 11.01.2017 and the trial court shall rehear submissions on the application moved by the defendant No.2 under Order 6, Rule 17 CPC and the same shall be decided on merits, by a speaking order after noting submissions of both the parties.

5. Both the parties shall be free thereafter to take up any proceedings which they may choose as against the order which may be passed.

6. The writ petition is disposed of accordingly.