Court No. - 2

Case :- MATTERS UNDER ARTICLE 227 No. - 3946 of 2025

Petitioner :- Smt. Munni Devi
Respondent :- Smt. Shashikala Pandey
Counsel for Petitioner :- Prakhar Tandon
Counsel for Respondent :- Shiv Kumar Yadav

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the petitioner and Sri Utpal Chaterjee alongwith Sri Shiv Kumar Yadav, learned counsel for the respondent.

2. Present petition has been filed for setting aside the impugned order dated 1.3.2025 passed by learned Additional District Judge, Court No.25, Kanpur Nagar in SCC Revision No.130 of 2024.

3. Brief facts of the case are that, earlier plaintiff-respondent has filed SCC Suit No.190 of 2013 for eviction and recovery of arrears of rent, which was decreed against the petitioner-defendant vide order dated 29.02.2024. Against that, petitioner-defendant filed SCC Revision No. 130 of 2024, which was dismissed vide order dated 7.11.2024. Against both the orders, petitioner-defendant filed petition Under Article 227 No. 15798 of 2024, which was allowed vide order dated 17.12.2024 and matter was remanded back to pass fresh order. During the pendency of the revision, petitioner-defendant filed amendment application on 13.01.2025 under Order VI Rule 17 of CPC to add some new grounds. The said amendment application was rejected by the learned Additional District Judge, Court No. 25, Kanpur Nagar vide order dated 01.03.2025. Hence present petition.

4. Learned counsel for the petitioner-defendant assailing the impugned order submitted that learned Judge has not applied his mind while deciding the amendment application and only after recording the argument, dismissed the amendment application in three lines order. He further submitted that in the impugned order, not a single line has been written as to why amendment application has been rejected.

5. He further pointed out that earlier, the very same Judge i.e. Dr. Amit Verma, learned Additional District Judge, Kanpur Nagar has

committed the same mistake while deciding the SCC Revision No. 190 of 2013 vide order dated 7.11.2024. The said order was having no reason or finding except the arguments of both the sides and conclusion, therefore, same was set aside by this Court vide order dated 17.12.2024 in Matters Under Article 227 No. 15798 of 2024 and matter was remanded back for passing fresh order. He lastly submitted that again Dr. Amit Verma, Additional District Judge, Kanpur Nagar has committed same mistake and impugned order has been passed without recording any finding, therefore, same is bad and liable to be set aside.

6. Sri Utpal Chaterjee, learned counsel for the respondent while opposing the submission of learned counsel for the petitioner, he is not in position to defend the order on the aforesaid ground.

7. I have considered the rival submissions advanced by the learned counsel for the parties and perused the record as well as order dated 17.12.2024 passed in Matters under Article 227 No. 15798 of 2024 by this Cout and order dated 1.3.2025 passed by Dr. Amit Verma, Additional District Judge, Kanpur Nagar.

8. Relevant paragraph of the order dated 17.12.2024 is being quoted hereinbelow:-

"3. The sole argument advanced by learned counsel for the petitioner for assailing the order passed in revision is that the revisional court did not apply its mind at all to the argument advanced by respective parties before it and after recording their argument simply concluded in paragraph 11 of the judgment that he did not find any error or illegality in the order assailed and hence the revision-petition was liable to be dismissed.

5. Having heard learned counsel for the respective parties and having perused the order passed by the Judge, Small Causes, namely, Dr. Amit Verma, the Additional District and Sessions Judge, Court No.16, Kanpur Nagar, I find that the concerned judge has not rendered at all due application of his mind which was very much required by a judge adjudicating a lis. A mere reference to the arguments of the respective parties does not suffice the need required, for proper adjudication of a lis.

9. It is well settled principle that revision has facets of an appeal and therefore, when the revision petition is preferred for there is no appeal available under the relevant statue, it is a duty cast upon the judge to look into all aspects of the matter from both the points of view of the revision applicant as well as respondents in whose favour the decree has been passed. From a judge in the rank of Addl. District and Sessions Judge it is expected that he would not only apply his judicial mind to issues raised but also be dealing with the arguments advanced on behalf of the respective parties very meticulously to arrive at findings which would be reflecting a sound judicial approach of a varied and wide experience of such a judicial officer.

11. District Judge, Kanpur Nagar, is directed to assign this revision petition again to the same Additional District and Sessions Judge, Court No.16, Kanpur Nagar, if still posted in his judgeship. In the meanwhile and until decision afresh is taken in revision petition, the judgment and decree dated 07.11.2024 passed by the court concerned in SCC Revision No.130 of 2024 shall remain stayed."

9. From perusal of the order dated 17.12.2024, it is apparently clear that learned Additional District Judge, Kanpur Nagar has passed impugned order without recording any finding, therefore, this Court has set aside the order and remanded the matter before the same Judge for passing fresh order.

10. Impugned order dated 1.3.2025 in this petition is having total 7 paragraphs and thereafter operative portion. In all 7 paragraphs only facts and argument of both the parties have been recorded and without recording any finding straight away learned Judge has rejected the application by three lines order.

11. Now, it is apparently clear that learned Additional District Judge, Kanpur Nagar has committed same mistake which he did while passing the order dated 7.11.2024, which was subject of Matters under Article 227 No. 15798 of 2024.

12. Therefore, under such facts and circumstances of the case, the impugned order dated 1.3.2025 is hereby quashed and writ petition is **allowed** with direction to competent court to decide the matter afresh maximum within a period of two months from the date of production of certified copy of this order without granting any unnecessary adjournment to either of the parties. In case any adjournment is granted, Court shall record detailed reason for the same.

13. Further, learned District Judge, Kanpur Nagar is directed to transfer the SCC Revision No.130 of 2024 to some other equivalent competent court and not before the Dr. Amit Verma, Additional District Judge, Court No.25, Kanpur Nagar, if he is still posted at there.

14. From perusal of the order of this Court dated 17.12.2024 as well as impugned order dated 1.3.2025, this Court is of the firm view that **Dr. Amit Verma**, **Additional District Judge, Kanpur Nagar** is not competent to write the judgment, therefore, he must be sent for training at least for three months in Judicial Training and Research Institute, Lucknow.

15. Registrar General of the High Court, Allahabad is directed to place the matter before Hon'ble The Chief Justice and obtain necessary orders to send him on training.

16. Let a copy of this order be placed before Registrar General of the High Court, Allahabad for necessary compliance.

Order Date :- 22.4.2025
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