

GOVER DHAN CHAUHAN Vs. DR RAM BABU RASTOGI AND ORS

16.04.2026

Present: Ld. counsel for plaintiff with plaintiff in person.
Ld. counsel for D-1 through VC with D-1.
Ld. counsel for D-2 and D-3 with D-2 in person.

Previous cost of Rs.5,000/- deposited by D-2/D-3 with DLSA.

Fresh V/n on behalf of D-2 and D-3 filed.

Plaintiff has also moved an application u/O VI Rule 17 CPC seeking to amend the memo so that the description of D-3 stands corrected. This is in view of order dated 25.02.2026. Copy supplied.

Considering the formal nature of the application, it is allowed. Amended memo filed with the application is taken on record.

There is no written statement of D-2 and D-3 on record. Written statement of D-1 already filed.

Considering the nature of dispute, a question about the maintainability of the entire suit arises. This is because, as per plaintiff, he purportedly gave money to D-1 and D-2 for securing a seat for plaintiff's son in a course BAMS. The same is stated to be a medical course and it appears that plaintiff wanted his son to be admitted in the said course without the usual process of sitting in an exam. This means that *prima facie* the transaction between plaintiff and defendants was an illegal transaction and therefore, the suit as such may not be maintainable being an illegal contract. Let parties address arguments on the maintainability of the suit on 25.05.2026.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
16.04.2026