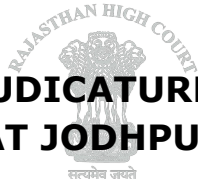


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Civil Writ Petition No. 6893/2026

CNR: RJHC010295672026

URN: CW / 12600U / 2026

1. Kumari Nandini D/o Late Bheru Singh, Aged About 29 Years, Resident Of Kishore Bagh, Mandore Road, Jodhpur.
2. Kumari Jaya D/o Late Bheru Singh, Aged About 26 Years, Resident Of Kishore Bagh, Mandore Road, Jodhpur.
3. Smt. Havan Kanwar W/o Late Bheru Singh, Aged About 64 Years, Resident Of Kishore Bagh, Mandore Road, Jodhpur.

-----Petitioners

Versus

1. Sukhram S/o Falguram, R/o Beniwalo Ki Dhani, Vinayakpura, Bhawad, District Jodhpur.
2. Jagdish S/o Fagluram, R/o 10, 11-B, Narsingh Vihar, Lal Sagar, Mandore, Jodhpur.
3. Sahiram S/o Fagluram, R/o Beniwalo Ki Dhani, Vinayakpura, Bhawad, District Jodhpur.
4. Punaram S/o Fagluram, R/o Beniwalo Ki Dhani, Vinayakpura, Bhawad, District Jodhpur.
5. Pramila W/o Jagdish Bishnoi, R/o 10, 11-B, Narsingh Vihar, Lal Sagar, Mandore, Jodhpur.
6. Bhanupratap Singh S/o Devi Singh, R/o Alirajpur Road, Dahi, Tehsil Kushi, District Dhar, Madhya Pradesh.
7. Smt. Lakshita D/o Late Hanwant Singh, R/o 51/14, Swarnpuri Society, Chiku Badi, Vadodara, Gujarat.
8. Karan Singh S/o Late Hanwant Singh, R/o 7, Gokul Kundan Nagar, Ajmer.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 6825/2026

CNR: RJHC010295632026

URN: CW / 12478U / 2026

1. Kumari Nandini D/o Late Bheru Singh, Aged About 29 Years, Resident Of Kishore Bagh, Mandore Road, Jodhpur.
2. Kumari Jaya D/o Late Bheru Singh, Aged About 26 Years,

Resident Of Kishore Bagh, Mandore Road, Jodhpur.

3. Smt. Havan Kanwar W/o Late Bheru Singh, Aged About 64 Years, Resident Of Kishore Bagh, Mandore Road, Jodhpur.

-----Petitioners

Versus

1. Sukhram S/o Fagluram, R/o Beniwalo Ki Dhani, Vinayakpura, Bhawad, District Jodhpur.
2. Jagdish S/o Fagluram, R/o 10, 11-B, Narsingh Vihar, Lal Sagar, Mandore, Jodhpur.
3. Sahiram S/o Fagluram, R/o Beniwalo Ki Dhani, Vinayakpura, Bhawad, District Jodhpur.
4. Punaram S/o Fagluram, R/o Beniwalo Ki Dhani, Vinayakpura, Bhawad, District Jodhpur.
5. Pramila W/o Jagdish Bishnoi, R/o 10, 11-B, Narsingh Vihar, Lal Sagar, Mandore, Jodhpur.
6. Bhanupratap Singh S/o Devi Singh, R/o Alirajpur Road, Dahi, Tehsil Kushi, District Dhar, Madhya Pradesh.
7. Smt. Lakshita D/o Late Hanwant Singh, R/o 51/14, Swarnpuri Society, Chiku Badi, Vadodara, Gujarat.
8. Karan Singh S/o Late Hanwant Singh, R/o 7, Gokul Kundan Nagar, Ajmer.

-----Respondents

For Petitioner(s) : Mr. Khet Singh Rajpurohit
For Respondent(s) : Mr. Anirudh Purohit

HON'BLE MR. JUSTICE FARJAND ALI

Order

09/07/2026

1. These two writ petitions call in question the legality and correctness of the separate orders dated 07.01.2026 passed by the learned Additional District & Sessions Judge No.7, Jodhpur Metropolitan in Civil Original Suit Nos. 126/2022 & 88/2022

whereby the applications preferred by the respective petitioners under Order VI Rule 16 r.w. Section 151 of the Code of Civil Procedure, 1908, seeking deletion of certain averments from the respondents' replies, came to be rejected.

2. Since the controversy involved in both petitions is substantially identical and arises out of similar orders founded upon common questions of fact and law, both petitions are being adjudicated by this common order.

3. Shorn of unnecessary factual details, the petitioners asserted before the appellate court that certain averments incorporated in the replies filed by the respondents were wholly extraneous to the controversy involved in the proceedings, irrelevant to the questions in issue, and couched in scandalous and objectionable language. It was, therefore, prayed that such pleadings be struck off from the record in exercise of powers under Order VI Rule 16 read with Section 151 CPC.

3.1. The learned appellate court, upon consideration of the rival submissions, declined the prayer and dismissed the respective applications by separate orders. Aggrieved thereby, the petitioners have invoked the extraordinary writ jurisdiction of this Court.

4. Learned counsel appearing for the petitioners reiterated that the pleadings objected to are wholly unnecessary for adjudication of the dispute and are intended merely to prejudice the petitioners. It was submitted that such scandalous and irrelevant pleadings ought to have been expunged by the appellate court in exercise of its jurisdiction under Order VI Rule 16 CPC.

5. Per contra, learned counsel appearing for the respondents supported the impugned orders and submitted that the applications were entirely vague and bereft of material particulars. It was contended that unless the applicants specifically identify the offending pleadings and demonstrate how they fall within the ambit of Order VI Rule 16 CPC, no relief could have been granted.

6. I have bestowed my thoughtful consideration to the rival submissions advanced at the Bar. The impugned orders as well as the material made available on record have been carefully perused.

7. The jurisdiction vested under Order VI Rule 16 CPC is undoubtedly discretionary and is required to be exercised sparingly and with circumspection. Before directing that any pleading be struck out, the Court must be satisfied that the impugned averments are unnecessary, scandalous, frivolous, vexatious, or otherwise constitute an abuse of the process of law. Such jurisdiction cannot be invoked on vague, omnibus or generalized allegations.

8. A careful scrutiny of the record reveals that despite adequate opportunity having been afforded by the learned appellate court, and even during the course of hearing before this Court, the petitioners failed to specifically identify the precise words, expressions, sentences or paragraphs of the respondents' replies which, according to them, deserved to be treated as scandalous or liable to be deleted. The applications merely contain broad and sweeping allegations without indicating the exact portion of the

pleadings sought to be expunged or disclosing the legal basis upon which such drastic relief could be granted.

8.1. It is trite that a Court cannot embark upon a roving or fishing enquiry to identify, on behalf of a litigant, those portions of pleadings which are alleged to be objectionable. The burden squarely rests upon the applicant to distinctly specify the offending averments and to establish that the same satisfy the statutory parameters contemplated under Order VI Rule 16 CPC. In the absence of such foundational pleadings, the Court would not be justified in exercising its extraordinary power to strike out portions of a pleading.

8.2. The learned appellate court has considered the applications in their proper perspective and has rightly concluded that in the absence of any specific disclosure regarding the alleged scandalous pleadings, no case for deletion thereof was made out. The reasoning assigned by the learned court below neither suffers from perversity nor discloses any jurisdictional error, illegality or material irregularity warranting interference by this Court.

8.3. The supervisory jurisdiction of this Court is intended to correct manifest jurisdictional errors and patent illegality; it is not an appellate forum to substitute its own view merely because another view may also be possible. No such exceptional circumstance is discernible in the present matter so as to warrant interference with the well-reasoned impugned orders. Thus, this Court is of the considered opinion that the impugned orders do not suffer from any infirmity, either on facts or in law, warranting



exercise of writ jurisdiction.

9. Accordingly, both the writ petitions, being devoid of merit, stand dismissed. The stay applications as well as all pending applications, if any, also stand disposed of.4

(FARJAND ALI),J