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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RFA 756/2023, CM APPL. 48115/2023, CM APPL. 48116/2023,
CM APPL. 48117/2023

SMT. VIMMI CHAWLA Appellant
Through: Mr. Sunil Kapoor, Adv.

versus

DEEPAK SETHI Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
29.11.2023

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1. This is an appeal seeking to set aside the order dated 23.08.2022, passed by the learned ADJ-01, (East) Karkardooma Court, Delhi in case titled as '*Smt. Vimmi Chawla vs. Sh. Deepak Sethi*' in Suit No. DJ CS 96/2021.
2. The facts of the case show a very dismal picture. The appellant had filed a suit for recovery of Rs. 30 lakhs with interest purportedly paid to the respondent for securing admission of the daughter of the appellant for an MBBS seat at All India Institute of Medical Sciences ('AIIMS').
3. It is stated by Mr Kapoor, learned counsel for the appellant that it is the respondent who induced the appellant for securing an admission of her daughter in MBBS course at AIIMS since the respondent claimed to have a contact with the Health Minister, Government of India as well as higher officials of AIIMS, Delhi.



4. It is alleged that despite payment of consideration of Rs. 30 lakhs, the respondent failed to secure the admission of the daughter of the appellant for MBBS Course at AIIMS and hence, the suit for recovery was filed. The Court cannot come to the rescue of the appellant.

5. The learned ADJ *vide* order dated 23.08.2022 dismissed the suit of the appellant on the ground that the Court cannot come to her rescue since the suit initiated by the appellant was for recovery of a consideration amount which was paid for an unlawful object. The learned ADJ was of the opinion that the agreement between the parties is *void ab initio* and recovery of consideration arising out of a void agreement is barred under Section 23 of the Indian Contract Act, 1872 ('Act, 1872').

6. I have heard Mr Kapoor, learned counsel for the appellant.

7. In the present case, *prima facie* the appellant had indulged in an illegality. It is a known fact that AIIMS is one of the most prestigious medical colleges in India. Children who secure admission through merit invest diligent effort and hard work, which also involves getting through various rigorous and competitive processes. The seats in MBBS Course at AIIMS are not for sale. It is incumbent upon the Courts to safeguard the integrity of the education system. The appellant may be gullible but this Court cannot come to the assistance of a person who has participated in the illegality as noted above.

8. Section 23 of the Act, 1872 reads as under:-

“23. What considerations and objects are lawful, and what not.—The consideration or object of an agreement is lawful, unless—

it is forbidden by law ; or



is of such a nature that if permitted, it would defeat the provisions of any law; or is fraudulent; or

involves or implies injury to the person or property of another; or

the Court regards it as immoral, or opposed to public policy.

In each of these cases, the consideration or object of an agreement is said to be unlawful. Every agreement of which the object or consideration is unlawful is void.”

9. A perusal of the same shows that the consideration in the present case i.e. for securing a seat for MBBS at AIIMS through unlawful means is an unlawful object, forbidden by law, immoral as well as opposed to public policy.

10. For the said reasons, I find no infirmity in the impugned order dated 23.08.2022 passed by the learned ADJ-01, (East) Karkardooma Court, Delhi in case titled as '*Smt. Vimmi Chawla vs. Sh. Deepak Sethi*' in Suit No. DJ CS 96/2021.

11. In this view of the matter, the appeal is *devoid* of merits and is accordingly dismissed.

12. However, in this case the conduct of the respondent also shows that the respondent is indulging in illegal activities which are immoral and forbidden by law.

13. It is the people like the respondent with malafide intentions who perpetrate illegality and engage in acts which are opposed to public policy.

14. No doubt, corruption is deep rooted in the society. Therefore, it is imperative on the respective authority to take stern action in accordance with



law so that such malpractice is prevented in future.

15. The order be communicated to Mr. Sanjay Lao, learned Standing Counsel (Criminal) to be taken with the concerned DCP so that such incidents are prevented in the future.

16. The Registry shall send the copy of this order to Mr. Lao, learned Standing Counsel (Criminal) for necessary action.

JASMEET SINGH, J

NOVEMBER 29, 2023

NG/sr/dm

[Click here to check corrigendum, if any](#)