

SUIT NO. 1050-22

INDERJEET SINGH VS. UNION OF INDIA

CNR NO. DLWT03-001772-2022

29.02.2024

Present: - Sh. Praveen Suri, Ld. counsel for plaintiff.
Sh. Satpal Sharma, Ld. counsel for defendant no.1 & 2.
Sh. Akash Gupta, Ld. counsel for defendant/MCD.
Ms. Pooja Chhabra, Ld. counsel for applicant/proposed defendant.

Notice of application U/O 6 Rule 17 CPC received back as served upon defendants.

Application U/O 6 Rule 17 CPC has been filed on behalf of the plaintiff for placing on record the amended plaint on the ground of impleading the MCD as a defendant in the present matter. Copy of amended plaint has been supplied to the opposite side.

It is submitted on behalf of both the counsels for the defendants that perusal of amended plaint transpires that there is no amendment in the nature of the present suit or cause of action.

In view of the above application of the plaintiff U/O 6 Rule 17 CPC stands disposed off as allowed on the ground that the same is necessary to be taken on record in view of the fact that the MCD has been impleaded as defendant in the present matter. Further, Ld. counsel for defendant no.1 & 2 is submitting that this Court does not have the subject matter jurisdiction to try and adjudicate the present suit in view of the preliminary objections taken in the WS filed by defendant no.1 & 2.

Defendant no.1 & 2 are directed to file written arguments on the issue of the maintainability of the suit alongwith relevant documents, if not already done, after supplying advance copy to the plaintiff.

Further the plaintiff is at liberty to file replication, if any, through facilitation centre after supplying advance copy to the opposite side.

Further, Ld. counsel for plaintiff is submitting that MCD has mentioned about certain documents in their written statement, however, neither any documents have been filed alongwith the WS nor supplied to them.

MCD is directed to file the necessary documents in this regard as mentioned in their WS and supply the copy to the opposite side as well.

In view of the above, put up for arguments on the maintainability of the present suit on **01.05.2024**.

DISHA SINGH
C.J-02, West, THC, Delhi
29.02.2024