

CS SCJ 1050-22

INDERJEET SINGH Vs. THE UNION OF INDIA

CNR NO. DLWT03-00

28.05.2024

The regular stenographer is on leave today.

Present: - Sh. Praveen Suri, Ld. Counsel for the plaintiff through VC.
Sh. Sagar Nandwani, Ld. Proxy counsel for plaintiff along with plaintiff.
Sh. Neeraj Sharma, Ld. Proxy counsel for defendant no. 1 through VC.
Ms. Pooja chhabra, Ld. Counsel for applicant.
Sh. Sandeep Kumar, Ld. Counsel for D-3 to 5

It is submitted by Ld. Counsel for plaintiff that despite multiple orders D-1 & 2 have not complied with the direction with respect to supply of documents as mentioned in their WS before the court and to the plaintiff.

To this Ld. proxy counsel for D-1 is submitting that they are not bound to supply to any documents to the plaintiff and further the maintainability of the suit is yet to be decided for which plaint and documents annexed with the plaint have to be seen.

Further having heard submissions of both the sides this court is of the opinion that the maintainability of the suit is to be decided under Order 7 Rule 11 CPC for which the contents of plaint and documents annexed with the plaint will be considered. However, at the same time this is court of the further opinion that if certain documents have been mentioned in the written statement then such documents must be filed on record for complete and effective adjudication of the matter during trial.

Accordingly, firstly the maintainability of the suit will be decided under Order 7 Rule 11 CPC and thereafter as the case may be, appropriate orders will also be passed with respect to the non-compliance of the court order by the plaintiff. It is further submitted by Ld. Counsel for plaintiff that as per the order-sheet that matter was not reflecting for arguments on maintainability and was rather for compliance by D-1 & 2. In view of the above, the matter is now hereby fixed for arguments on maintainability under Order 7 Rule 11 CPC. Both the sides are at liberty to file

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written submission along with relevant citation if any in support of their case.

Put up for arguments on maintainability on
26.07.2024.

DISHA SINGH
C.J-02, West, THC, Delhi
28.05.2024