

CS No.394/2023

BALA DUTT VS. DELHI GYMKHANA CLUB LIMITED

25.08.2023

File has been received from the Court of Sh. Satyabrata Panda, Ld. ADJ-04, NDD/PHC/New Delhi, on 22.07.2023 pursuant to order dated 11.07.2023 of this Court. It be checked and registered.

Present : Plaintiff in person with counsel Sh. K. Gangadharan.
Ms. Raavi Birbal, Ld. Counsel for defendant.

Ld. Counsel for plaintiff submits that he wants to file rejoinder. Allowed to do so before next date of hearing providing with advance copy to opposite party.

An application under Order 11 Rule 12 of CPC moved by plaintiff is pending seeking direction to the defendant to produce some documents which are required for just decision in the matter.

Heard arguments.

Ld. Counsel for defendant submits that let her call an official from the accounts branch to ascertain the documents which are required to be filed as demanded by the Ld. Counsel for plaintiff vide this application.

Ld. Counsel for defendant further submits that as per the affidavit filed by the plaintiff, the voluntarily contribution was collected only for November, 2017 to April, 2018 and out of the total eight employees whose cases are listed, six employees have retired subsequent to April, 2018.

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::2::

Ld. Counsel for respondent submits that as per the instructions as per minutes dated 03.02.2016, it was decided that Rs.100/- shall be charged from all the members for giving to the retiring employee and it was further agreed that amount be charged from the members during the retiring month of the employee. She further submits as per instructions this was discontinued and not given effect to any further. She further submits as per instructions the voluntarily contributions during this duration was not given to any of the retiring employee. She files minutes of the general committee dated 03.02.2016, 05.02.2019, 06.09.2019 and 12.09.2019.

For just decision in the matter, the documents required are *(1). details of the amount collected in compliance of the minutes of meeting dated 03.02.2016, (2). when collection of this amount was discontinued, and (3). how this amount was utilized.*

To understand that which documents are required to be produced on record, as suggested by Ld. Counsel for defendant, let some senior official from the account branch of defendant come on next date of hearing.

Put up for further proceedings/arguments on **27.09.2023**.

(Sanjay Garg-I)
Principal District & Sessions Judge
New Delhi District
Patiala House Courts/ND/25.08.2023 (v)