

CS No. 480/2021

Noyal Massey Vs. Delhi Gymkhana Club Limited

08.05.2026

Present : Sh. Aarya Kulshrestha, Ld. Proxy Counsel for the plaintiff along with plaintiff in person.

Ms. Raavi Birbal, Ld. Counsel for the defendant.

Matter is listed for disposal of application U/o. VII Rule 11 of CPC. Ld. Counsel of defendant at the outset fairly submits that she is not pressing the application U/o. VII Rule 11 of CPC, as issues have already framed in this regard.

In view of the submission made by Ld. Counsel of defendant, the application filed by the defendant U/o VII Rule 11 CPC is disposed of as not pressed.

Another application has been filed by the plaintiff U/o. XIV Rule 5 of CPC on the ground that issue Nos. 1 & 2 were framed on the objection of the defendant but the onus of issue Nos. 1 & 2 has been casted upon the plaintiff but it should be upon the defendant.

I have heard Ld. Counsels for the parties, perused the order dated 02.12.2025.

Issue Nos. 1 & 2 were framed regarding the objection taken by the defendant. Thus, the onus of issue Nos. 1 & 2 must be upon the defendant and not the plaintiff.

Ld. Counsel of defendant submits that she has no objection if onus of issue Nos. 1 & 2 is put on the defendant.

In view of the above facts and circumstances, application U/o. XIV Rule 5 of CPC is allowed. The onus of issue Nos. 1 & 2 framed vide order dated 02.12.2025 be read as 'OPD' instead of 'OPP'.

Renotify for plaintiff's evidence on **20.07.2026**.

(Pitamber Dutt)
Principal District & Sessions Judge
New Delhi District
Patiala House Courts/ND/08.05.2026