

25.11.24

Present: Mr. Harsh Dua, ld. Counsel for the plaintiff with
plaintiff Manoj Gulia in person
Ms. Kritika Mitra, ld. Proxy Counsel for the defendant.

The cost of Rs. 5000/- imposed upon the defendant vide order dated 12.08.2024 is paid by the ld. Counsel for the defendant online to the ld. Counsel for the plaintiff.

Today the case is fixed for arguments on the application u/o. VII Rule 11 CPC . The said application has been filed way back on 20.04.2015. It is mostly the Counsel for the defendant, who has been seeking dates for addressing arguments on this application.

I have gone through the said application filed on behalf of the defendant u/o. VII Rule 11 CPC. The only ground taken up by the defendant in the application is that the mortgaged deed in question is tampered and fabricated one and hence, the suit merits dismissal and further that the suit is bad for non joinder of the parties, the plaintiff is a stranger to the defendant.

Heard. Perused the record.

It is settled law that while dealing with an application u/o. VII Rule 11 CPC, the court has to see only the plaint and not the written statement. Even otherwise, grounds taken up in the application u/o. VII Rule 11 CPC are not covered in the ingredients

as provided u/o. VII Rule 11 CPC. The present application u/o. VII Rule 11 CPC has been filed by the defendant, just to delay the proceedings. In these circumstances, I find no merits in the application u/o. VII Rule 11 CPC dated 20.04.2015 and the same deserves dismissal.

Put the case for filing replication, if any, with advance copy to the Id. Counsel for the defendant no.1, completion of proceedings, admission and denial of documents, framing of issues on 17.02.2025.

(Kishor Kumar)
DJ-04, North, Rohini Courts,
Delhi/25.11.24.