

SUNDEEP KAPOOR AND ANR

Vs.

RAJEEV KUMAR THAKUR AND ANR

15.01.2025

Present: Mr. Gaurav Kapoor, Ld. Counsel for plaintiffs.

Mr. Sparsh Bagga, Ld. Counsel for all defendants.

ORDER

1. Ld. Counsel for plaintiffs has filed reply to the application of the defendants under Order 7 Rule 11 CPC as well as for waiver of cost. Same is taken on record. Copy supplied.

2. Arguments heard on the application of the defendants for seeking waiver of cost. No ground is made out for waiver of the cost. Accordingly, the application of the defendants stands dismissed. Let the cost of Rs. 5,000/- imposed vide order dated 17.08.2023 be paid on the NDOH.

3. Arguments heard on the application of defendant no. 2 for taking on record her appearance along with an application for seeking condonation of delay. Heard. In the interest of justice, the applications for entering the appearance and for seeking condonation of delay on behalf of defendant no. 2 stands allowed.

4. Arguments heard on the application of the defendant no. 2 under Order 7 Rule 11 CPC. Ld. Counsel for defendants has argued that there are no specific averments against the defendant no. 2 and no cause of action arisen against her. It is argued by him that the case of the plaintiff is based upon a Memorandum of Understanding, to which, defendant

Contd.....

no. 2 is not a party / signatory. It is stated that in absence of any cause of action against defendant no. 2, the plaint should be rejected under Order 7 Rule 11 CPC against defendant no. 2.

5. *Per contra*, Ld. Counsel for plaintiffs has argued that defendant no. 2 is a signatory to the Memorandum of Understanding.

6. Heard. Record perused. The application of the defendant no. 2 under Order 7 Rule 11 CPC stands dismissed on two grounds i.e. firstly, there cannot be a rejection of plaint against a party and secondly, defendant no. 2 is a signatory to the Memorandum of understanding.

7. **Ld. Counsel for plaintiffs is directed** to take steps for issuance of summons for judgment.

8. Be put up for further proceedings on **04.03.2025**.

Shivali Bansal
DJ-03, Rohini Courts
North District, Delhi
15.01.2025