

CS DJ 458/20

RANJIT SINGH VS UNION OF INDIA (LAC) AND ORS

24.08.24

Present: Plaintiff in person.
None for the defendants.

In the present case, none of the defendants have filed any reply/written statement controverting the case of the plaintiff. In such circumstances, the provisions of Order VIII CPC comes into play.

As per Order VIII Rule 1 CPC, a defendant has to file the written statement within 30 days from the date of service of summons on him. There is proviso that where the defendant fails to file the written statement within the said period of 30 days, the same may be filed within 90 days as per Order by the court for the reasons to be recorded.

Further as per Order VIII Rule 5(2) CPC, where the defendant has not filed a pleading, it shall be lawful for the Court to pronounce judgment on the basis of the facts contained in the plaint, except as against the person under a disability, but the Court, may in its discretion, require any such fact to be proved.

The plaintiff Ranjit Singh has filed the present suit against the defendants for declaration, compensation and permanent and mandatory injunction in December, 2020.

I have gone through the plaint as well as the prayer clause of the plaint and found that the plaintiff is not clear as to what he is seeking from the Court. Let the same be clarified by the plaintiff.

It is further seen that an application u/o XXXIII CPC is also pending adjudication.

Put up the case for clarification by the plaintiff as well as for report from the SDM concerned with regard to the financial status of the plaintiff, for 12.09.24.

In the meanwhile, let court notice be issued to the plaintiff for the date fixed.

(Kishor Kumar)
DJ-04, North, Rohini Courts,
Delhi/24.08.24