

CS 140/21

SUBHASH CHANDER VS. YOGESH KUMAR

22.05.2025

Present : Sh. Devendra Hora, Ld. counsel for the plaintiff through VC.

Defendant with Sh. Vikas Sharma, Ld. Counsel.

An application under Order VII Rule 11 CPC filed on behalf of defendant is listed for hearing.

Heard. File perused.

The prayer under Order VII Rule 11 CPC has been made for dismissal of the plaint as the suit is maintainable under the Commercial Courts Act, 2015. Hence, the only objection taken in the application is in respect of jurisdiction of Civil Court. Order VII Rule 11 CPC deals with rejection of plaint for the reasons mentioned in the said provisions. Objection on the point of jurisdiction does not fall within the purview of Order VII Rule 11 CPC. Hence, application is dismissed.

Arguments on application under Order XII Rule 6 CPC moved on behalf of the plaintiff have been heard.

I have gone through the plaint and the written statement as well as the terms and conditions agreed between the parties in the MOU dated 20.07.2012. Though, there is admission in respect to payment made by the plaintiff, however, there is no unequivocal admission in respect of fulfillment of terms and conditions agreed between the parties as per MOU. The defendant has disputed that construction on the property in question has been completed. He has taken a plea that

construction of one flat is still pending and same has not been sold till today and for the said reason, the share of profit cannot be distributed at this stage.

For decreeing a suit under Order XII Rule 6 CPC, admission has to be unequivocal on the part of the defendant. Hence, the application under Order XII Rule 6 CPC is hereby dismissed.

Put up for admission-denial of documents and for framing of issues on **07.07.2025**.

Parties are directed to appear in person in the Court on the next date for the purpose of admission-denial of documents.

(SUKHVINDER KAUR)
Principal District & Sessions Judge
Shahdara, KKD Delhi/22.05.2025