

CS DJ ADJ 95/20

VIMAL KUMAR AND ANR Vs. EMINENT OFFICERS WELFARE
SOCIETY..THROUGH ITS PRESIDENT

23.11.2021

Present: Sh. Moni Cinmoy, Ld. Counsel for plaintiffs.
Ms. Alankriti Dwivedi, Ld. Proxy Counsel for defendant no.1/Eminent
Officers Welfare Society (as per original memo).

Matter is fixed for arguments on pending application u/O XII R 6 CPC moved on behalf of defendant no.1. Ld. Counsel for plaintiff stated that this application in this form is not maintainable as application moved by defendant under Order XII R 6 CPC and in prayerd, defendant is seeking rejection of the plaint. I have considered the submissions of both parties and gone through the contents of the application. As per the title, the application has been moved under provisions of Order XII Rule 6 CPC for dismissing the suit on the basis of admission, whereas in prayer clause the main prayer is for rejection of the plaint. Rejection of the plaint or dismissal of the plaint are both having different consequences and contrary to each other. Therefore, application with title and prayer in contradiction is not maintainable before this Court and same is accordingly dismissed being not maintainable. However, defendant no.1 is at liberty to file afresh appropriate application with advance copy to opposite party.

Other application u/O VI R 17 CPC is pending moved on behalf of plaintiff. Let notice of said application be issued all the defendants except defendant no.10/ Eminent Officers Welfare Society on filing of PF/RC for **29.01.2022**.

At request process be also given dasti.

(DR. JAGMINDER SINGH)
ADJ-03/SOUTH-WEST
DWARKA/ NEW DELHI
23.11.2021