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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 483/2021**

DR ALOK ADHOLEYA

..... Plaintiff

Through: **Mr. Giriraj Subramaniam with Mr. Akhilesh Talluri, Advocates.**

versus

THE ENERGY AND RESOURCES INSTITUTE & ORS.

..... Defendants

Through: **Mr. Anand Shankar with Mr. Vinay Pathak, A.R. of D-1.**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **05.05.2022**

I.A.4250/2022 (of the defendant no. 2 u/O-I R-10(2) & 13 of CPC) & I.A.4252/2022 (of the defendant no. 3 u/O-I R-10 & 13 of CPC)

1. The present applications have been filed under Order I Rule 10 of the CPC, seeking deletion of the defendants no.2 and 3 respectively from the array of parties.
2. I have heard the counsels for the parties and perused the averments made in the plaint.
3. Reading of the plaint discloses that serious averments have been made in respect of the defendant no.3. Several defamatory statements have been issued by the defendant no.3 against the plaintiff. Further, even the reliefs have been claimed against the defendant no.3.
4. Therefore, the defendant no.3 would be a necessary and proper party for the adjudication of the suit. However, no averments have been made in



respect of the defendant no.2. Therefore, in my view, the defendant no.2 is neither a necessary, nor a proper party for the adjudication of the present suit.

5. Accordingly, I.A.4250/2022 for deletion of the defendant no.2 is allowed and I.A.4252/2022 for deletion of the defendant no.3 is dismissed.

I.A.4253/2022 (of the defendant no. 1 u/O-VII R-11(b) of CPC)

6. The present application has been filed under Order VII Rule 11 (b) of the CPC, stating that the relief claimed in respect of prayer 'b' of the plaint has not been properly valued and neither has the proper amount of court fees been paid. Prayer 'b' of the plaint is set out below:

“(b) Pass a decree of mandatory injunction directing the defendants to accept the resignation of the plaintiff and to release to the plaintiff his gratuity, provident fund and superannuation”

7. By means of prayer 'b' of the plaint, the plaintiff is seeking to recover the arrears of salary as well as other termination benefits from the defendant no.1 company.

8. The plaintiff should have correctly valued the amount of reliefs sought to be claimed in terms of prayer 'b' of the plaint and valued the suit accordingly and paid requisite amount of court fees thereon.

9. Accordingly, in terms of Order VII Rule 11 (b) of the CPC, the plaintiff is directed to correctly value the suit and pay the requisite court fees within four weeks from today.

10. The application stands disposed of.

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11. Amended memo of parties be filed within one week.

12. Counsel for the defendants submits that fresh averments have been



made by the plaintiff in his replication and therefore, seeks liberty to file a sur-replication. Let the same be filed within four weeks from today.

13. List before the Joint Registrar on 26th July, 2022.

I.A.589/2022 (u/O-XXXIX R-1 & 2 of CPC)

14. The interim order dated 21st January, 2022 passed by this court is made absolute till the final adjudication of the present suit.

I.A.1217/2022 (u/O-VII R-14 of CPC)

15. The present application has been filed on behalf of the plaintiff under Order VII Rule 14 of the Code of Civil Procedure, 1908 (CPC), seeking permission to file additional documents. Details of the documents sought to be filed are given in paragraph 3 of the present application.

16. It is stated in the said application that the aforesaid documents were obtained by the plaintiff after filing of the suit and they are crucial for proper adjudication of the suit.

17. I am satisfied that the aforesaid documents are relevant for the proper adjudication of the suit. The suit is still at an early stage. For the reasons stated in the application, the same is allowed and the aforesaid documents referred to in paragraph 3 of the said application, are permitted to be taken on record.

I.A.1215/2022 (u/O-XI R-1 of CPC)

18. The present application has been filed for serving interrogatories upon the defendant no.1 under Order XI Rule 1 of the CPC.

19. The interrogatories sought to be delivered are mentioned in paragraph 8 of the said application.

20. I have perused the interrogatories.

21. In ***Tara Batra vs. Punam A. Kumar & Ors***, 2021 SCC Online Del



4331, this bench had observed as under.

*“24. When examined in the light of parameters laid down in the aforesaid judgments, clearly, the Trial Court has misdirected itself in rejecting the application filed by the petitioner under Order XI Rule 1 of the CPC. While deciding the said application under Order XI Rule 1 of the CPC, the Trial Court had to only consider whether answer to the said interrogatories would have some bearing on the issues involved in the case and whether the same could be necessary for fair adjudication of the dispute. **The very object of the interrogatories is to know the case of the opposite party and to, therefore, shorten the trial and limit the scope of the cross-examination. The Courts should be liberal and should not be hyper-technical in allowing the use of interrogatories in a suit. Interrogatories also enable a party to obtain an admission from the opponent, which reduces the scope of trial and the cost of litigation for the parties. Once the Court comes to the conclusion that the interrogatories are relevant for proper adjudication of the case, the interrogatories are served upon the other party and the said other party has to answer the interrogatories on affidavit** or objections can be raised on the ground that the said interrogatories are scandalous in nature or are not relevant or not bona fide for the purposes of the suit or on the ground of privilege. The objections on the grounds above have to be taken on affidavit. It is at that stage that the Court has to consider which of the questions in the interrogatories the party should be compelled to answer.”*

In my view, the aforesaid interrogatories are relevant for the proper adjudication of the suit. Accordingly, the application is allowed and the defendant is directed to answer the aforesaid interrogatories on affidavit, in terms of Order XI Rules 8 and 9 of the CPC, within four weeks from today.

I.A.6901/2022 (u/O-VII R-14 of CPC)

22. Issue notice.
23. Notice is accepted on behalf of the counsel for the defendants.



24. Let legible copies of the documents sought to be filed through the present application, be supplied to the counsel for the defendants within one week.
25. List before the Joint Registrar on 26th July, 2022.

AMIT BANSAL, J.

MAY 5, 2022
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