



\$~24

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

+ **CS(OS) 557/2023**

PREM KUMARI BATRA (THROUGH SPA HOLDER)Plaintiff

Through: **Mr. Rahul Dhamija, Adv.**

versus

DEWAN SINGH BISHT & ORS.Defendants

Through: **Mr. Akshay Chandra and Mr. Rahul Chaudhary, Advs. for D-1 alongwith Defendant in-person.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **28.01.2025**

I.A. 3091/2024 (Application has been filed under Order VII Rule 11(a) & (d) read with Section 151 of CPC)

1. This application has been filed under Order VII Rule 11 of the Code of Civil Procedure, 1908, seeking rejection of the plaint.
2. Counsel for defendant, in support of his application, points out that, on a perusal of the plaint, it would bear out that the facts and circumstances as adverted to by the plaintiff relate to the years 2011-2014.
3. The only isolated averment which has been made and comes within limitation is in paragraphs 25 and 27 of the plaint, which speak of “*last meeting in the year 2022*”.
4. Counsel for plaintiff shall point out on the next date of hearing the evidence they have placed in this regard concerning the ‘*2022 meeting*’ and whether a cause of action can subsist on that basis.
5. Meanwhile, it is stated by the plaintiff, who is present in person, that he had invested more than *Rs.1 Lac* in the Co-Operative Society and has still



not been allotted the land, for which he has filed the suit for damages.

6. Counsel for defendant/society, on instructions of the *Secretary of the Society*, who is present in Court, states that no land was, in fact, ultimately allotted since it was acquired by the Greater Noida Authority, and they have reimbursed about *800 out of 900* odd people in this regard.

7. As per defendant/society, they had made an offer to the plaintiff for reimbursement and recompensation of the amounts he had invested, but he refused to accept the same.

8. Counsel for the defendant/society shall present documents in Court relating to the 'Minutes of Meetings' where decisions of recompense were taken regarding the erstwhile members of the Society, as well as documents showing that the land was acquired, and any other relevant documents in that regard, before the next date of hearing.

9. The same shall be supplied to counsel for the plaintiff by the defendant/society, before the next date of hearing.

10. The Secretary of the defendant no.1/society shall be present on the next date of hearing as well.

11. List on 09th April 2025.

12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 28, 2025/MK/tk