

SUPREME COURT OF INDIA

Kuldeep Singh

Vs.

Rajinder Kumar & Ors.

C.A.No.10223 of 2016

(Kurian Joseph and R.F.Nariman,JJ.,)

20.10.2016

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.9887 of 2016

1. Leave granted.
2. The appellant is aggrieved by the order dated 17.03.2016 passed by High Court of Delhi in CM(M) 321/2015.
3. As per the said impugned order, the High Court rejected the application filed by the appellant under Order 7 Rule 11 of the Code of Civil Procedure(CPC) for dismissal of Civil Suit No.1428/1981 renumbered as Civil Suit No.903/2011.
4. The High Court has taken the view that going by the pleadings in the suit, it cannot be said that no cause of action was made out.
5. In view of the judgment of this court dated 07.02.2014 in Civil Appeal Nos.1873-1877/2014, the suit could not have been rejected under Order 7 Rule 11 of CPC. Therefore, this appeal is dismissed.
6. However, we direct the Trial Court, in view of the earlier directions, to expedite the trial and dispose of the suit positively within six months.