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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 169/2018**

DELHI STATE HEALTH MISSION (DSHM) Petitioner
Through: Ms. Vibha Mahajan Seth, Advocate.

versus

EMPLOYEES STATE INSURANCE CORPORATION & ANR
..... Respondents
Through: Mr. K.P. Mavi with Mr. B.P. Mishra
& Mr. Vijay Kumar, Advocates for
R-1.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **12.02.2018**

CM No. 5425/2018 (exemption)

Allowed, subject to all just exceptions.

CM(M) 169/2018 & CM No.5424/2018

In the proceedings arising out of the case (ESI No.25/16/14) brought by the petitioner *inter alia* pleading that it (petitioner Society) is not covered by the provisions of Employees' State Insurance Act, 1948, issues were framed on 01.06.2015 and the matter taken to the stage of the evidence of the petitioner, when the petitioner society moved an application under Order XII Rule 6 of the Code of Civil Procedure, 1908 (CPC) seeking judgment on admissions.

The case is being contested by the first respondent which resisted the aforesaid application. The learned trial judge by the

impugned order dated 06.11.2017 observed that the case cannot be disposed of “without evidence” since in his opinion “there are issue and interpretations, which can be appreciated and decided on the touchstone of evidence to be led by the parties”.

This Court agrees with the submissions of the counsel for the petitioner that the order is too cryptic to be understood or treated as a reasoned judicial order. The trial Judge has not noted as to what are the issues and interpretations which require evidence of the parties.

In above view, the petition is allowed. The impugned order is set aside. The trial Judge is directed to pass a fresh detailed reasoned order on the application under Order XII Rule 6 CPC of the petitioner.

The application for stay becomes infructuous and is disposed of accordingly.

R.K.GAUBA, J

FEBRUARY 12, 2018

srb