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

+ CS(OS) 2362/2012

MAHAMEDHA URBAN CO-OPERATIVE BANK LTDPlaintiff
Through: Mr. Ayuth Chaudhary, Adv.

Versus

MAHATMA PHULE URBAN CO-OPERATIVE BANK LTD
& ORS Defendants
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 25.05.2018

IA No.7421/2018 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

IA No.7420/2018 (of plaintiff u/S 151 CPC)

3. The appropriate provision of law for the eventuality has not been invoked and the counsel for the applicant/plaintiff though has filed this application, has not studied the suit file till now and is unable to answer any questions with respect to the suit.

4. Though nomenclature of an application is not to be a reason for denying the reliefs but it is found that adoption of the said principle is leading to the youngster in the profession having stopped reading the Code of Civil Procedure, 1908 (CPC) at all and they file everything under the omnibus

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Section 151 of the CPC. It is felt that if the Courts do not insist on the youngsters reading the CPC, it will cause harm to the profession.

5. I am also of the view that till the counsel for the applicant/plaintiff studies the suit file, merely restoring the suit will not serve any purpose and will again lead to the plaintiff/applicant taking adjournment after adjournment for the counsel to study the file.

6. It is thus deemed appropriate that the counsel for the applicant/plaintiff first files the amended application invoking the correct provision of law and studies the suit file before this application is considered.

7. On request, list on 10th July, 2018.

RAJIV SAHAI ENDLAW, J.

MAY 25, 2018

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