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

+ CM(M) 22/2016 and CM APPL.1062/2016 (stay)

NORTHERN ZONE RAILWAY EMPLOYEES CO-OPERATIVE
THRIFT AND CREDIT SOCIETY LTD THR ITS CHIEF
EXECUTIVE Petitioner

Through: Mr.Rohit Gandhi, Advocate

versus

ASHWANI KUMAR Respondent

Through: Mr. Hitender Kapur, Advocate with
Mr. Sagar Chawla, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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01.02.2018

After some hearing, it is agreed by both sides that the impugned order dated 18.05.2015 premised on the impression that the defendant in the suit is a statutory body may be set aside and the preliminary issue framed on 21.12.2004 in the suit of the respondent (the plaintiff) – Suit No.808/14 – be remitted to the trial Court for fresh consideration in light of the submissions of the petitioner (defendant in the suit) that it is not a statutory body, this with reference to decision of this Court in *W.P.(C) No.12210/2009, Northern Zone Railway Employees Co-operative Thrift and Credit Society Ltd. vs. Central Registrar Cooperative Society & Ors.*, decided on 16.01.2012 on which the defendant relies.

Needless to add, the above mentioned issue will have to be decided first as a preliminary issue, both the parties agreeing that it would not require any evidence to be adduced. It is further added that both sides will be heard before a decision is taken.

Ordered accordingly.

The petition and the application filed therewith are disposed of in above terms.

R.K.GAUBA, J.

FEBRUARY 01, 2018

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