

16.07.2025

CS No. 42/25

Santosh Gupta vs. Krishana Krishna and ors.

Present: Ld. Counsel for the plaintiff.
Ld. Counsel for the defendant.

Replication to the written statement filed. Copy supplied.

No reply to the application filed under the provisions of Order 1 Rule 10 CPC and it is submitted by the counsel for the plaintiff that he would not be filing any reply to the said application and would straightaway argue the same.

It is fairly submitted by the counsel for the plaintiff that the agreement to sell (bayana) dated NIL engrossed on the stamp paper on 20.07.2024 has been executed by the plaintiff by and between the plaintiff and defendant no. 1.

It is further submitted that he has no objection that in case defendant no. 2 be deleted from the array of parties since he is only a witness to the payment of an amount of Rs. 10 Lacs which was made to defendant no. 1.

Under the circumstances, the present application under Order 1 Rule 10 CPC is allowed and the defendant no. 2 who has no privity of contract with the plaintiff is directed to be deleted from the array of parties.

It is submitted by the counsel for the defendant no. 1 that agreement to sell as well as the receipt and the legal notice being the admitted documents hence, there he would not be filing any affidavit of admission/denial of documents.

Under the circumstances, the filing of affidavit of admission/denial of documents in view of the admission made by the defendants is dispensed with.

With the consent of the parties, the following issues are framed :-

1. Whether the plaintiff is entitled to money decree of Rs. 10 Lacs?

OPP

2. Whether the plaintiff is entitled to interest? If so for which period and at what rate? OPP

3. Relief.

No other issue arises or is pressed for.

Ld. Counsel for the parties are directed to file their respective list of witnesses and the counsel for the plaintiff is directed to file evidence by way of affidavit sought to be examined atleast 7 days prior to the NDOH with advance copy to the other side.

List for PE on **24.09.2025.**

Sachin Sood
DJ-01, Central,
THC, 16.07.2025