

30.07.2026

Present: Sh. Sahil Gehlot Ld. Counsel for the plaintiff.

None for the defendant.

1. Ld. Counsel for the plaintiff has placed on record the copy of newspaper namely “Dainik Jagran” dated 15.07.2026 indicating that the defendant has been served vide publication.
2. Nobody on behalf of the defendant is present despite service vide publication. That being so, the **defendant is proceeded exparte.**
3. Here I may refer to the observations of Hon’ble Supreme Court regarding framing of issues in exparte cases, made in the case of *“Pramod Shroff Versus Mohan Singh Chopra, 2026 SCC OnLine SC 598”* which are as under:-

“26. In the light of the above legal precedents, it can be said that though the framing of issues in an ex parte suit is not mandatory by virtue of Order XIV Rule 6 of CPC, but the judgment must be in conformity with the provisions of the Code. Thus, Order XX Rule 4 of CPC comes into picture.

27. The courts must determine “points for determination”, which are like issues, and answer them to resolve the matter of controversy between the parties.

28. Though framing of issues, as mentioned above, although, is not mandatory yet, if the omission to frame the same causes prejudice to the parties, then the same can vitiate the trial. The test for finding as to omission to frame the issues have caused prejudice to the parties or not can be laid down on the touchstone as to whether parties

that go to trial had knowledge that (i) a particular question is in issue and (ii) had opportunity to lead evidence on that issue...”

4. Accordingly, from the material available on the record, following issues are framed:
- 1. Whether this court has territorial jurisdiction to entertain and try the present case ? (OPP)*
 - 2. Whether the present suit of the plaintiff is barred by limitation ? (OPP)*
 - 3. Whether the plaintiff is entitled for recovery of Rs.5,11,518/- as prayed for ? (OPP)*
 - 4. In case the issue no. 3 is decided in affirmative, whether the plaintiff is entitled for any interest ? If so, at what rate and for what period ? (OPP).*
 - 5. Relief.*
5. The schedule for Second Case Management Hearing shall be as under:-

Plaintiff shall file the list of witnesses and affidavits of evidence and also the application for summoning of witnesses if nay, by	13.08.2026
Recording of exparte evidence of the Plaintiff on	20.08.2026
Written synopsis of arguments shall be filed by the plaintiff by	31.08.2026
Final Arguments on	07.09.2026

6. The Schedule of Second Case Management Hearing has been fixed absolutely as per the convenience of Ld. Counsel for the plaintiff.

7. Now put up for recording of the **exparte evidence of the plaintiff** on **20.08.2026**.

(Rajesh Kumar Goel)
District Judge (Commercial Court)-02
Central District, Tis Hazari Courts, Delhi
30.07.2026