

06/07/2022

Present: Sh. M.S. Khan, Ld. Counsel for the plaintiff.
None for the defendants.

Order on the application seeking leave to defend the suit was to be passed, however clarification is required on two points i.e. whether the suit is maintainable under the provisions of Order 37 CPC in view of averments made in the plaint in paragraph 5 of the plaint in which *inter alia* it has been averred that the plaintiff had business relations with the defendant under running account basis and no copy of running account has been filed.

The clarification is also required on the point whether there are various distinct transactions between the plaintiff and the defendant and certain payments have been made, whether the suit would be for a liquidated amount as per Order 37 Rule 2 CPC.

Put up for clarification/order on **22.07.2022**.

(VIJAY KUMAR JHA)
Addl. District Judge-02 (East)
Karkardooma Courts/ 06/07/2022