

CS No. 1264/16

25.04.2018

Present: Sh. JK Bholia, Ld. Counsel for plaintiff
Sh. DP Verma, Ld. Counsel for defendants along with
defendant no. 2 in person.

At this stage, Ld. Counsel for plaintiff fairly concedes that the application under Order 15A CPC is not maintainable and hence wants to withdraw it subject to condition that the defendants shall continue to pay the electricity, water and other miscellaneous charges along with the charges of the society till they occupy the suit premises or till the disposal of the suit whichever is earlier. Defendant no. 2 has conceded to it. His statement to this effect recorded separately. Let defendant no. 2 produce up to date receipts of the said payments in court on the next date.

In view thereof, the application of the plaintiff under Order 15A CPC is disposed of as not pressed.

Issues in this case were framed on 28.01.2011, out of which issue no. 1 was treated as preliminary issue on which both the parties led their evidence. The said issue was regarding pecuniary jurisdiction of this court but after the enhancement of the pecuniary jurisdiction of the District Courts in the year 2015, the said issue become redundant as observed in the order dated 28.03.2016.

Hence, the plaintiff is directed to lead evidence on the remaining issues. Let list of witnesses be filed by him within fifteen days.

Advance copy of affidavit in evidence on behalf of the plaintiff be supplied to Ld. Counsel for the defendant at least one week before the next date, so that the plaintiff's witness could be cross-examined on that date.

Put up for PE on 23.08.2018.

(Sanjay Sharma-I)
Addl. District Judge-02(East)
Karkardooma Courts- 25.04.2018