

29.09.2021

Physical hearing pursuant to Order no.569/RG/DHC/2021 dated 19.08.2021 of Hon'ble High Court of Delhi and 6392-6411/Judl.Br./East/KKD/Delhi of Hon'ble Principal District & Sessions Judge, East District, KKD Court, Delhi.

Present: Plaintiff with counsel Sh. Prateek Garg.

Defendant with counsel Sh. M.K. Sharma.

No admission/denial of the documents have been carried out. The plaintiff has been examined under Order 10 CPC r/w Section 165 of Evidence Act.

On the basis of pleadings, following issues are framed :-

- i. **Whether the plaintiff made the payment of Rs.5Lakhs to the defendant on 02.07.2013 or on any date earlier or after that ? OPP**
- ii. **Whether the defendant executed the Ikrarnama dated 02.07.2013 and whether alleged signature or the right thumb impression on the said Ikrarnama is that of the defendant ? OPP**
- iii. **Whether the plaintiff is entitled to recovery of suit amount of Rs.10Lakhs against the defendant, if yes, whether plaintiff is entitled to any rate of interest ? OPP**
- iv. **Whether the suit of the plaintiff is barred on the ground of limitation ? OPD**
- v. **Whether this Court does not have any territorial jurisdiction to entertain and try the suit filed by the plaintiff ? OPD**
- vi. **Whether the Ikrarnama dated 02.07.2013 is a forged or fabricated document ? OPD**
- vii. **Relief.**

No other issue arises or pressed for.

At the request of counsel for the defendant, the issue no.V regarding territorial jurisdiction is treated as a preliminary issue. It is made clear that the Court is of the opinion if any evidence is required for deciding the said issue, same will not be treated as a preliminary issue.

Both the parties are directed to file their list of witnesses within 15 days from today. Plaintiff is directed to supply the advance copy of evidence by way of affidavit to the counsel for the defendant at least 7 days before the NDOH.

Put up for arguments on preliminary issue on 04.03.2022.

(VIJAY KUMAR JHA)
Addl. District Judge-02 (East)
Karkardooma Courts/29/09/2021