

26.09.2023

Present: Sh. Durgesh Pandey Ld. Counsel for plaintiffs.
Sh. Prateek Mehta Ld. Counsel for defendant.

Ld. Counsel for plaintiffs submits that he has filed few documents alongwith the replication though he did not file application under Order 7 Rule 14 CPC to file additional documents. He seeks sometime to file appropriate application for placing the additional documents on record.

Ld. Counsel for defendant submits that there is one application u/o 1 Rule 10 CPC is pending adjudication to delete defendant No.2 from the array of parties as the plaintiffs has not mentioned any cause of action against him.

Perusal of plaint reveals that plaintiffs in para No.3 of his plaint alleged that relying upon both defendants he agreed to invest a sum of Rs.10 lacs.

Ld. Counsel for defendant does not want to press upon his application u/o 1 Rule 10 CPC if an issue with respect to misjoinder of parties shall be framed.

On the basis of pleadings of parties, the following issues are hereby framed.

ISSUES

1. ***Whether the plaintiffs is entitled for recovery of Rs.10 lacs against the defendant, as prayed for? OPP***
2. ***Whether the plaintiff is entitled for interest, as prayed for? OPP***
3. ***Whether the suit of plaintiff is not maintainable for misjoinder of parties? OPD.***
4. ***Whether the suit of plaintiff is not maintainable due to no cause of action? OPD***
5. ***Relief.***

No other issue arises nor pressed for nor onus of proof objected to. Both the sides to file their list of witnesses within 15 days from today. Plaintiffs to file their evidence by way of affidavit with advance copy to the opposite side one week prior to the NDOH.

Ld. Counsel for plaintiff is directed to file an appropriate application for placing the additional documents on record within one week from today and advance copy is to be supplied to the opposite party.

Put up for P.E. on 21.11.2023.

(Pooja Jain)
ADJ-03(East)
KKD Courts-26.09.2023