

CS No. 641/2024

Dharmendra Kumar vs. Sumit Sharma

18.11.2024

Pr.: Sh. Punit Kr. Tyagi, Ld. Counsel for the plaintiff.

Heard and perused the record.

This a suit under Order XXXVII CPC, based on three cheques dated 03.07.2022.

It is submitted by the Ld. Counsel for the plaintiff that he could not present the said cheques for encashment, as on 20.07.2023, defendant got plaintiff implicated in a false case.

Perusal of record shows that since all the three cheques are dated 03.07.2022 and alleged FIR was lodged against the plaintiff on 21.07.2023, thus, even on 21.07.2023, the cheques had become stale. Thus, I am of the opinion that this suit cannot be proceeded under Order XXXVII CPC. At this stage, Ld. Counsel for plaintiff submits that suit may be treated as an ordinary suit for recovery.

In view of submission of Ld. Counsel for plaintiff, present suit is treated as an **“ordinary suit for recovery”**. Ahlmad is directed to register the suit, as ordinary suit for recovery.

Issue summons of the suit to the defendant, on filing of PF and RC as well as through all other permissible modes **within 7 days from today**, returnable for **13.01.2025**.

(Shail Jain)
Principal District & Sessions Judge,
East District, KKD Courts, Delhi.
18.11.2024 (mk)