

SARDAR MEHNGA SINGH TALWAR @ M. S. TALWAR Vs.

SURINDER SINGH AND OTHERS

31/05/2022

Present: Plaintiff with counsel Sh. Imran Khan.

Sh. Rakesh Chand Aggarwal, Ld. Counsel for all the defendants.

Pleadings are complete.

Counsel for the defendants is seeking adjournment for carrying out admission/denial of documents on the ground that the defendant who had to admit or deny the documents is out of India and is coming back in the month of July.

Counsel for the plaintiff has opposed the adjournment on the ground that the plaintiff is a senior citizen. At that time counsel for the defendants has stated that even the defendants are sr. citizens.

As the admission/denial of documents is not mandatory, request of counsel for defendants for adjournment is declined. No admission/denial is carried out.

Parties are not inclined to explore the possibility of settlement. On the basis of pleadings, following issues are framed:-

- 1) Whether the plaintiff was maliciously prosecuted by the defendants by the lodgment of case FIR No.628/2016 U/S 380/411/34 IPC, PS-Shakarpur? (OPP)
- 2) Whether the plaintiff because of alleged malicious prosecution suffered any pecuniary damages, if yes, what is the quantum of pecuniary damages suffered by the plaintiff? (OPP)

- 3) Whether the plaintiff is entitled to a decree in the sum of Rs.30Lakhs as damages for malicious prosecution against the defendant ? (OPP)
- 4) Relief.

No other issue arises or pressed for. Both the parties are directed to file list of witnesses within 15 days from today. Plaintiff is directed to supply the advance copy of the evidence by way of affidavit of his witnesses to the defendant at least 7 days before NDOH.

At this stage, counsel for the plaintiff has pointed out that one application under Order 7 Rule 14 CPC is pending. Same appears to have been impliedly allowed vide order dated 11.03.2022. Accordingly, the application is disposed of.

Put up for PE on **24.09.2022**.

(VIJAY KUMAR JHA)
Addl. District Judge-02 (East)
Karkardooma Courts/ 31/05/2022