

CS No. **809/17**
25.03.2019

Present : Ms. Nivedita, Id. Counsel for plaintiff.

Sh. Manoj Kumar, Id. Counsel for defendants.

Memo of appearance on behalf of plaintiff filed.

An application under Order I Rule 10 (2) CPC for striking of name of the defendant no. 2 and 3 from the array of parties is pending adjudication.

Ld. Counsel for plaintiff has stated at bar that she has no objection if the name of defendant no. 2 and 3 be deleted from the array of parties in the instant suit, however, the plaintiff would be at liberty to pursue the FIR against them.

In view of submissions made, defendant no. 2 and 3 are hereby deleted from the array of parties.

Amended memo of parties be filed on record.

Ld. Counsel for plaintiff has submitted that the plaintiff is not pressing for prayer (c) as incorporated in the prayer clause of the plaint as she will request for award of cost in favour of the plaintiff at the stage of final arguments. She has further contended that no issue with respect to prayer (c) be framed.

Pleadings of the parties are complete.

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

1. Whether the plaintiff is entitled to recover an amount of Rs.56,01,469/- on account of damages ? OPP
2. Whether the plaintiff is entitled to interest, if so, at what rate and for which period ? OPP
3. Relief.

No other issue arises or is pressed upon. Matter is now fixed for evidence. Both the parties are directed to file list of witnesses within 15 days on record. Plaintiff is directed to file affidavit of witness and supply copy of the same in advance to defendants or Id. counsel for defendants at least one week prior to NDOH.

Put up for PE/cross on 29.04.2019.

(Shuchi Laler)
ADJ-04(East District) KKD
Delhi/25.03.2019