

CS (COMM.) 322/21

M/S Krishna Logistics Vs. Megh Meditech Pvt. Ltd.

02.05.2023

**Present : Sh.Manoj Tomar, Ld. Counsel for the plaintiff
with proprietor of the plaintiff.**

**Sh. J.K. Tiwari, Ld. Counsel for the defendant
with defendant *through video-conferencing*.**

The defendant has filed an application under Order VII Rule 14 (3) read with Section 151 CPC for filing certain documents on record. The counsel for the defendant submits that inadvertently he has mentioned wrong nomenclature i.e. under Order VII Rule 14(3), whereas the application is to be under Order VIII Rule 1 A and submits that it may be treated as under Order VIII Rule 1 A.

No reply to the same has been filed by the plaintiff and he submits that there is no objection to the same as it is the order of the Customs Excise and Service Tax Appellate Tribunal (CESTAT).

Heard the parties and perused the record.

Considering the facts and circumstances of the case and the submissions of the parties, the application is allowed and the documents are taken on record. Accordingly, the application is disposed off.

It is submitted that pleadings are complete.

From the pleadings of the parties and material on record, following issues arise:

1. Whether plaintiff is entitled to recover the suit amount?
OPP.
2. Whether plaintiff is entitled for interest, if so on what rate
and for which period? OPP.
3. Whether the suit of the plaintiff is barred by the period of
limitation? OPD.
4. Whether the plaintiff is guilty of suppression of material
facts and taking advantage of his own wrong? OPD.
5. Whether plaintiff has followed the procedure prescribed by
law? OPD.
6. Relief, if any?

No other issue is raised or pressed.

Both the parties are directed to file their list of witnesses within four weeks with advance copy to opposite party.

Case Management Hearing:

Heard on the case management hearing. Keeping in view the submissions, let following schedule for the trial of suit be drawn:-

A.	for plaintiff's evidence. (Advance copy of the Affidavits of witnesses be supplied to the opposite party at least one week prior to the date fixed).	08.08.2023 and 09.08.2023
B.	for Defendant's evidence. (Advance copy of the Affidavits of witnesses be supplied to the opposite party at least one week prior to the date fixed).	15.09.2023 and 16.09.2023

C.	Final arguments (both the parties are at liberty to file written submissions with advance copy to the opposite party)	12.10.2023.
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It is stated by the counsels for the parties that parties are ready and willing for amicable settlement.

Put up this matter for settlement, if any on **31.05.2023 at 2.00pm.**

Parties are directed to appear in person.

Anurag Sain
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
02.05.2023