

CS No. : 181/16
Raghunath Singh Vs. Babu Ram

08.08.2019

Present: Mr. A.K. Mishra, advocate for the plaintiff.
Mr. Pradeep Sharma, advocate for defendant no.1, 6 and 7.
Mr. Umesh Kumar, advocate for defendant no.2 to 5.

The learned counsel for defendant no.6 and 7 has moved an application u/s 151 CPC. Copy of the same is supplied to the learned counsel for the plaintiff in the court today.

Submissions of the learned counsels for the parties are heard on the application under Order XL Rule 1 r/w Section 151 CPC dated 15.03.2018. Perusal of the record shows that in the amended plaint dated 11.11.2010, the plaintiff has claimed the rendition of account regarding the rent received by the defendants but in the said claim, it is nowhere mentioned as to what share of the rent received by the defendants, the plaintiff is entitled. No claim of arrears of rent has been made or prayed in the said amended plaint. Even no issue regarding the claim of the rent has been framed by the Ld. Predecessor of this court when the issues was framed on 24.05.2016. In these circumstances, I do not find any merits in the present application and the same is hereby dismissed.

Previous cost has not been paid by the plaintiff.

Adjourned for payment of cost and reply and arguments on the application of defendant no.6 and 7 and for defendants evidence on 28.08.2019. Advance copy of the affidavit of the witnesses of the defendants be supplied to the learned counsel for the plaintiff at least three days prior to the next date of hearing. In default, a cost of Rs.1,000/- shall deemed to have been imposed on the defaulting defendant.

BRIJESH KUMAR GARG
ADJ-01/NE/KKD Courts
08.08.2019

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