

Present: Sh. AC Gupta, Adv. Counsel for the plaintiff.
Sh. Tek Sharma, Adv. Counsel for the defendant No. 1.
Sh. Gurdev Singh, Adv. Counsel for the defendant No. 2 to 5.
Sh. KK Bhaggi, Adv. Counsel for the defendant No. 11 to 13.
Sh. Govind Puri, Adv. Counsel for the defendant No. 14 to 20, 22, 25 to 31, 33, 36 and Ashok Kumar.
Defendant No. 6 to 10, 21, 32 and 34 exparte.

Perusal of the case file shows that the case was adjourned for consideration on application U/o 38 R 5 CPC and the same is pending since 18.3.2016 but the arguments are not advanced by the parties. Today arguments on behalf of plaintiff/ applicant partly heard. Ld. Counsel for respondent requested for short adjournment to advance the arguments. In these circumstances, I deem it fit to frame the issues in the present suit. From the pleadings of the parties, the following issues are framed:

1. Whether the plaintiff is entitled for recovery of ₹ 8,44,15,999 as prayed for? OPP.
2. Whether the plaintiff is entitled of interest @ 16.50 per annum? OPP.
3. Whether the suit of the plaintiff is not maintainable? OPD.
4. Whether the suit of the plaintiff is hopelessly barred by limitation? OPD.
5. Whether the civil Courts have no jurisdiction to entertain and try the present suit? OPD-1.
6. Whether the suit of the plaintiff has not been filed by a competent authority? OPD-1.
7. Whether the plaintiff has no cause of action against the defendant to file the present suit? OPD.
8. Whether the suit is barred under the provisions of Debt Recovery Tribunal Act U/s 34 read with other relevant provisions of law? OPD.
9. Relief.

No other issue arises or pressed for. Now case is adjourned to 12.7.2017 for evidence of the plaintiff and for remaining arguments on the application U/o 38 R 5 CPC. PF/DM of witnesses and documents be filed within 7 days.

Date of order: 09.05.2017
Steno: Pankaj (Gr.III)
Next Date: 12.7.2017

(Rajinder Singh-I)
CJD/Ludhiana
UID: PB0433