

**32 CS DJ 908/17 PRADEEP BHAGAT Vs. ANOOP KUMAR GUPTA
29.07.2025.**

Present : **Sh. Bhagwan Singh Rathore, Ld. Counsel for the plaintiff
through VC.
Sh. Gaurav Jha, Ld. Counsel for defendant through VC.**

1. Arguments on application u/o 18 Rule 17 CPC are heard.
2. Record is perused carefully.
3. Vide this application, defendant is seeking recall of plaintiff and it is submitted that in certified copy of sale deed dated 23.07.2012, defendant has been shown a witness but he was only a facilitator of sale deed registered in the name of mother of attorney i.e. PW-1 and this sale deed and the receipt also bear her signature, therefore, attorney needs to be re-examined for revealing truth.
4. Application is opposed heavily on the ground that defendant has been given full opportunity to cross-examine the witness and there has been no discovery of any new fact and nothing also can be said as not lying within the knowledge of the defendant due to which he might not have cross-examined the witness completely, so application is nothing but a ploy to cause the delay. It is also argued on behalf of the plaintiff that in fact the sale deed has no concern as the same was executed by M/s Sambhavana BuildProp Pvt. Ltd in favour of Ms. Renu Bhagat.
5. This Court has given thoughtful consideration to the contentions made.

6. On perusal of plaint, it is found that present suit is recovery suit filed by proprietor of the firm namely Sh. Pradeep Bhagat against proprietor of defendant firm namely Sh. Anoop Kumar Gupta. The exchange of money took place between the proprietorship firm through their proprietors. Defendant/applicant has stated in its written statement that he had sold the property to the wife of the plaintiff and Rs. 24 lacs was received by him as the pending consideration of sale and it was not received as a friendly loan. It is further stated that in fact it is the defendant who advanced the sum of Rs. 7 lacs to the plaintiff to help them during their financial crises. From these pleadings, this Court is of the view that in fact the transaction in respect of the alleged sale deed are beyond the controversies of the present suit and same cannot be dealt with here. Not only this, grounds of claim made by the plaintiff were admittedly known to the defendant since beginning, so there exists no further reason to allow the defendant to cross-examine a witness afresh when full opportunity for cross-examination had already been granted. **Hence, the application is found meritless and the same is dismissed.**

Now, put up for PE for 02.12.2025.

Aanchal
District Judge-03, Rohini Courts
North District, Delhi
29.07.2025(Amt)