

CS No. 124/2020

Vikas Gavr V/s Jeevan Kumar Varma.

07.02.2020.

Fresh suit under Order 37 CPC for recovery of Rs. 15,68,000/- received by way of assignment vide order of Ld. District & Sessions Judge, North-West, Rohini Courts, Delhi. It be checked and registered.

Present: Counsel for plaintiff.

Arguments of maintainability of the suit under Order 37 CPC heard at length. Record is also perused thoroughly.

The present suit which is filed under Order 37 CPC is based on two cheques of Rs. 7 Lacs each which were dishonored on presentation. The total of the two cheques comes at Rs. 14 Lacs but the suit is for recovery of Rs. 15,68,000/-. The suit amount includes interest but there is no document, acknowledgment or agreement regarding the interest and rate of interest. Clearly, the suit amount of Rs. 15,68,000/- is not covered within the ambit of Order 37 CPC.

In the light of above observations, I am of the considered opinion that the present suit is not maintainable under Order 37 CPC. Accordingly, the present suit is treated as ordinary suit for recovery.

Defendant be served on filing of PF & RC for 27.05.2020.

(Sanjay Jindal)
ADJ-04(NW)/Rohini Courts
Delhi/07.02.2020