

32 CS DJ 1077/17

CHARANJIT SINGH ARORA Vs. RITESH MANCHANDA

**27.10.2020**

Present: Sh. Jagdev Singh Guliya, Ld. Counsel for plaintiff.

Ld. Counsel for defendant.

In compliance with the direction issued by the Hon'ble High court of Delhi, conveyed through Judl./Circular/F.43/South East/Saket/2020/9904-9971 dated 26.09.2020 wherein it has been directed that the court shall take up all the cases of the cause list through physical hearing as per duty roaster, hence the matter is taken up today through physical hearing.

It is submitted by both the parties that applications filed on behalf of plaintiff as well as on behalf of defendant u/o 6 rule 17 CPC are just clerical in nature and if the same be allowed, the case shall progress. Amended plaint and amended written statement filed on behalf of plaintiff and defendant are already on record.

Perusal of record shows that the case is at its inception and as per the principle natural justice as the best case should come forth for just adjudication and also if the applications be allowed, are not going to change the nature of the suit. Both applications are hereby allowed. Amended plaint and amended written statement are hereby taken on record.

Pleadings are complete. From the pleadings of the parties, following issues are framed:-

*(1) Whether the plaintiff has not approached the court with clean hands and has suppressed the material facts from the court? OPD*

*(2) Whether the suit of the plaintiff is not maintainable in law and in facts? OPD*

*(3) Whether the suit of the plaintiff is bad for mis-joinder of parties? OPD*

*(4) Whether the present suit is liable to be dismissed for lack of cause of action against the defendant? OPD*

*(5) Whether the plaintiff is entitled for a decree of Rs. 6,07,29/- in favour of the plaintiff and against the defendant? OPP*

*(6) Whether the plaintiff is entitled for any interest on the decretal amount, if yes, then at what rate? OPP*

*(7) Relief.*

No other issues are raised or pressed for.

Now, to come up for PE on **02.02.2021**. Plaintiff shall lead evidence by way of affidavit by serving an advance copy upon the defendant through email/SMS/Whatsapp alongwith list of witness, if any.

-3-

The E-mail ID of defendant will be furnished by the plaintiff alongwith an affidavit verifying the correctness of E-mail ID/WhatsApp number of defendant.

**(Neelam Singh )**  
**ADJ-02/SE/Saket/New Delhi**  
**27.10.2020**