

13.02.2024

Present: Sh.Vishvendra Adv. Ld. Counsel for plaintiff present
through VC.

DW Sh.Rajesh Kumar in person with Ms.Ritu Jain
Adv. Ld. Counsel for defendant.

Passover is sought by plaintiff counsel till
12.00Noon.

Put up at 12.00Noon.

(Munish Markan)
ADJ-02(SE)/District Courts, Saket,
New Delhi/13.02.2024

01.15p.m.

Present: Sh.Vishvendra Adv. Ld. Counsel for plaintiff present
through VC.

DW Sh.Rajesh Kumar in person with Ms.Ritu Jain
Adv. Ld. Counsel for defendant.

Seen the examination in chief recorded by Ld. Local
Commissioner in the present case. It appears that some of the
documents have been exhibited despite the fact that original
thereof was not produced before the LC.

One opportunity is given to the witness to produce
the original.

At this stage, perusal of the pleadings reflects that
this is a suit for recovery of certain amounts filed by the plaintiff
against the defendant on the ground of having made excess
payments without any material being supplied qua those
payments.

CS DJ 260/201610576/16
MS OYSTER CONSTRO CARE PVT LTD Vs. MS GUPTA BUILDING MATERIAL
STORE

The case of the plaintiff is that plaintiff company is engaged in the business of construction and defendant is engaged in the business of supply of building material and number of transactions took place between both the parties.

On the other hand, defendant herein has filed the cross suit bearing No.CSDJ 75/19 (also listed today) where under the defendant has claimed a sum of Rs.1,04,96,394.37 on the ground of having supplied the goods to the present plaintiff from time to time.

In my considered opinion, both the matters involve common disputed questions of facts and common evidence is required to be led in both the cases.

Therefore, defendant in the present case shall file a fresh affidavit of evidence incorporating his stand/ claim in the cross suit No.CS DJ 75/19 as well and after the present defendant has led his consolidated evidence in both cases, the present plaintiff shall be given opportunity to lead rebuttal evidence in respect of its defence in the other case.

Defendant to ensure that advance copy of the fresh affidavit is supplied to the opposing counsel at least one month before next date. Copy of this order be placed in cross case as well.

Put up for DE on **06.07.2024.**

(Munish Markan)
ADJ-02(SE)/District Courts, Saket,
New Delhi/13.02.2024