

M/S Loyal Scaffolding P. Ltd. Vs. M/S TOPLINE BUILDTECH PVT. LTD. AND ANR
04.02.2025

Present: Sh. Suresh Bharti and Ruchika Malik, counsels for plaintiff.
Sh. Abhisumat Gupta, counsels for defendant no.1.
Defendant No.6 is absent.

Defendant no.6 is hereby proceeded ex-parte.

Affidavit of admission/denial filed on behalf of defendant no.1 on 10.12.2024. Same is taken on record.

It is submitted by counsel for plaintiff that he wishes to file an appeal before Hon'ble High Court of Delhi and issues be framed thereafter.

The court is of the considered opinion that no prejudice shall be caused if the issues are framed. Pleadings are complete. From the pleadings, following issues are being framed :-

- 1) **Whether the plaintiff is entitled to a decree of recovery of Rs.75,52,641/- towards hiring charges from February 2011 to February 2014 ? OPP**
- 2) **Whether the plaintiff is entitled to a decree of recovery of Rs.31,87,800/- towards cost of material retained by defendant ? OPP**
- 3) **Whether the plaintiff is entitled to any interest, if yes, at what rate? OPP**
- 4) **Whether the plaintiff is entitled to a decree of permanent injunction restraining defendant no.1 and 6 from disposing of 2979 pieces of scaffolding and shuttering material ? OPP**
- 5) **Whether the plaintiff is entitled to any damages ? OPP**
- 6) **Whether the document relied upon by the plaintiff are forged and fabricated? OPD**
- 7) **Whether plaintiff and defendant entered into a final settlement before the filing of the present suit ? OPD**
- 8) **Relief.**

Plaintiff is directed to file evidence by way of affidavit and list of witnesses be filed by both the parties with an advance copy of the same to the opposite party. Matter be now listed for plaintiff evidence on 13.05.2025.

(Purva Sareen)
District Judge-01, South
Saket Court, New Delhi/04.02.2025