

MANISH ABROL Vs. C. D. CHAWLA AND ORS

24.07.2025

Present Plaintiff with Ld. Counsel Shri Anuj Kumar Garg and Ms. Priyanka Garg.

Defendant no. 4 and 5 with Ld. Counsel Shri Chetan Rathor.
None for defendant no. 1.

Ld. Counsel for the defendant no. 4 and 5 submits that defendant no. 5 had moved an application under Order 1 Rule 10 CPC for deleting the names of defendant no. 2 and 3 who are the nephew and niece of defendant no. 1. It is further submitted that earlier defendant no. 5 stated that he will file fresh address of the defendant no. 2 and 3, however, today he is submitting an affidavit that he is not having the address of the defendant no. 2 and 3. Further, he does not wish to pursue the application under Order 1 Rule 10 CPC moved by him. Separate statement of defendant No.5 has been recorded to this effect.

In his statement defendant no. 5 has submitted that he is withdrawing the application under Order 1 Rule 10 CPC for deleting the names of defendant no. 2 and 3 as he does not have any fresh address of defendant no. 2 and 3. He submits that he is not related to defendant no. 2 and 3 in any manner. Defendant no. 1 must be having knowledge of the address of defendant no. 2 and 3 as defendant no. 1 is the maternal uncle (mama) of defendant no. 2 and 3.

In view of the above statement, it is clear that despite not knowing the address of defendant no. 2 and 3, defendant no. 5 moved this frivolous application. Hence, the applicant/ defendant no. 5 is allow to withdraw the application subject to costs of Rs. 5000/- imposed upon the defendant no. 5 to be deposited in the Advocate Welfare Fund. The receipt of payment of costs be placed on record by defendant no. 5 on or before the next date of hearing.

Ld. Counsel for plaintiff submits that he will file application under Order 5 Rule 20 CPC for publication of summons for defendant no. 2 and 3 for which he seeks time.

Perusal of the record shows that in the present case plaintiff is alleging to have made part payment of more than two lakhs i.e. Rs. 5 lakhs towards sale consideration to the defendant in cash.

In the case ***RBANMS Educational Institution v. B. Gaunashekar*** SLP(C) No. 13679/2022 decided by the Hon'ble Supreme Court on 16.04.2025, the Hon'ble Supreme Court has ruled that any Court dealing with claims involving cash transactions of Rs. 2 lakhs or more must report them to the Regional Income Tax Department.

In such circumstances, the matter be reported to the Regional IT Department in view of the above judgment of the Hon'ble Supreme Court circulated vide circular no. PCIT(J)/Pros./Ved Pal/2025-26/418 dated 29.05.2025 of the Income Tax Department and circular no. 18787-18863/Gen./Circulation /West/THC/ 2025 dated 02.07.2025 of the Court by the Reader of the Court by way of email as well as physically.

Be awaited for defendant no. 1 till 2.00 pm.

SUSHEEL BALA DAGAR
DISTRICT JUDGE-08
WEST/DELHI/24.07.2025

At 2.00 pm

Present As above.

Despite service none has appeared on behalf of defendant no. 1 since the date of service. The approach of the defendant no. 1 is very lackadaisical. Thus, it appears that defendant no. 1 is not interested in contesting the present case. Accordingly, the defendant no. 1 is proceeded *exparte*.

Put up for further proceeding for 14.08.2025.

SUSHEEL BALA DAGAR
DISTRICT JUDGE-08
WEST/DELHI/24.07.2025