

18.08.2025

CS No. 1171/22
Raza Beg and ors vs. Sakal Deep

Present: Sh. Milan Verma, Ld. Counsel for the plaintiffs a/w plaintiffs.
Mr. Azhar Kamal Quadri, Proxy Counsel for the defendant a/w defendant.

Ld. Counsel for the defendant has filed list of witnesses togetherwith an application under Order 7 Rule 11 CPC which is basically premised that plaintiff no. 2 has got no nexus with the present suit and is required to be deleted by the court.

Perusal of the orders dated 10.02.2025 shows that a specific issue with respect to mis joinder and non joinder of parties already stands framed in the present matter and the fact that whether the plaintiff no.2 is a necessary party or not can be decided only after trial in the present suit.

Moreover, since it has been specified that the deal with respect to the suit property has taken place between plaintiff no. 1 and the defendant, the same constitutes well defined cause of action since the present suit has been premised on the said dealing between the parties for which issues stands already framed.

Under the circumstances, the present application being an abuse of the process of the court is dismissed with a cost of Rs. 2,000/-.

Matter is listed for cross-examination of PW-1 and PW-2.

Both the witnesses are present.

An adjournment has been sought by the counsel for the defendant stating that the main counsel is indisposed due to his suffering from fever.

Under the circumstances, renotify for cross-examination of PW-1 and PW-2 on **08.09.2025**.

It is made clear to the parties that in case the witnesses despite being present are not cross-examined on the NDOH or the cost is not paid, the right to cross-examine PW-1 and PW-2 would stand closed without any further opportunity.

Sachin Sood
DJ-01, Central,
THC, 18.08.2025