

Suit No:9244/16

24.09.2016

Present: Sh. Rajbir Singh, proxy counsel for the plaintiff.
Sh. Abhishek Goel, counsel for the defendant.

An application under order 9 Rule 7 CPC for recalling of the Ex-Parte order dated 04.08.2016 on behalf of the defendant moved. Copy supplied.

Heard. Record perused.

It is submitted by the counsel for the defendant that he was struck in another matter in the Dwarka Court, therefore he could not appear in the present matter on 04.08.2016.

The application is strongly opposed by counsel for the plaintiff.

Heard. Record perused.

The counsel for the defendant has disclosed the justified ground for his non-appearance on 04.08.2016. Therefore, in view of the submissions and supporting affidavit of counsel filed alongwith the application, the application for recalling the Ex-Parte proceedings is allowed. The Ex-Parte proceedings conducted on 04.08.2016 (wrongly mentioned as 03.08.2016) are set aside.

It is submitted by the counsel for the defendant that he does not want to file the amended written statement because the amendment done by the plaintiff is formal in nature.

Pleadings are complete. From the perusal of the pleadings and material on record, following issues are framed:-

1. Whether this court does not have territorial jurisdiction to try

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and entertain the present suit? OPD

**2. Whether the plaintiff has supplied the goods of inferior quality?
OPD**

3. Whether the plaintiff has not affixed the proper court fees? OPP

**4. Whether the plaintiff is entitled for recovery of the suit amount
as prayed for? OPP.**

**5. Whether the plaintiff is entitled for pendente lite and future
interest, if yes, at what rate and for what period? OPP.**

6. Relief.

No other issues arisen or pressed for.

Put up for PE by way of affidavit on 14.12.2016. Advance copy be
supplied. List of witnesses be filed within 15 days.

Devender Kumar Jangala
ADJ-07/West/Delhi
24.09.2016