

**23.08.2016**

Present : Counsel for the Plaintiff  
None for Defendant.

Let learned counsel for the Defendants be awaited.

**(Kaveri Baweja)**  
**Additional District Judge-03 (West)**  
**Tis Hazari Courts: Delhi.**  
**23.08.2016**

**File taken up again at 11:50 AM**

Present : None for the Plaintiff.  
Sh.Praveen Suri – counsel for Defendant No.2.

During the course of arguments on the preliminary issue framed vide order dated 03.05.2016, it is conceded by learned counsel for Defendant No.2 in all fairness that in absence of any existing contract between the parties, the suit of the Plaintiff cannot be said to be hit by the provisions of Sections 73 & 74 of Indian Contract Act and the Defendant shall not press the said objection. The preliminary issue framed is thus disposed of accordingly.

Defendant No.2 submits that he may be permitted to move an appropriate application with regard to maintainability of the suit on the other premises. The application, if any be filed within two weeks with advance copy to the Plaintiff. Put up for reply and arguments on **09.11.2016**.

**(Kaveri Baweja)**  
**Additional District Judge-03 (West)**  
**Tis Hazari Courts: Delhi.**  
**23.08.2016**