

New No.611126/16

Nirmala Chaudhary & Anr. Vs. V.S.K. Impex Pvt. Ltd.

27.04.2017 at 12.15 PM

Present : Sh. Dinesh Singh Chaudhary, Ld. Counsel for the plaintiff

Proxy counsel for defendant Nos. 1 to 5

Sh. Chander Shekhar, Ld. Counsel for defendant No. 6

Proxy counsel for defendant No. 7.

Replication to the amended written statement of defendant No. 6 filed by the plaintiff. Copy supplied. Cost paid. Ld. Counsel for the plaintiff submits that he does not want to file any replication to the amended written statement of defendant Nos. 1 to 5 & 7 and wants to adopt the same replication which has already been filed.

On the basis of the pleadings of the parties, the following issues emerged and is hereby framed as under :-

1. Whether the suit is liable to be dismissed qua for defendant Nos. 1 to 5 in view of the MOU dated 01.11.2009 ? OPD 1 to 5.
2. Whether the suit is barred U/s 69 of the Partnership Act ? OPD-7
3. Whether this court has no territorial jurisdiction to entertain the present suit ? OPD-6 & 7.
4. Whether the suit is bad for non-joinder and misjoinder of necessary parties ? OPD 6-7.
5. Whether defendant No. 7 is not personally liable for the liabilities of D-1 as claimed in the written statement ? OPD-7

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6. Whether the suit is liable to be dismissed for want of cause of action ? OPD 6-7
7. Whether the plaintiff is entitled to recover the suit amount from the defendants as claimed ? OPP.
8. Whether the plaintiff is entitled to interest, if so, at what rate and for what period ? OPP

Both the parties are directed to file the list of witnesses within 3 weeks from today after supplying the copy of the same to each other. Plaintiff is directed to file the affidavits and documents within 3 weeks from today after supplying the advance copy of the same to the opposite party.

Put up for P.E. on 29.08.2017.

(Kaveri Baweja)
Additional District Judge-03 (West)
Tis Hazari Courts: Delhi.
27.04.2017