

CNR no. DLCT01-013948-2022
Suit No. 122/22 (DJ No. 1043/22)
Vishwanath Gupta
Vs.
Sh. Naresh Bansal

08.05.2023

Present: Sh. Rajender Kumar, Ld. counsel for plaintiff
alongwith plaintiff in person.
Sh. Mandeep Singh, Ld. counsel for defendant
alongwith defendant in person. (appeared through
VC)

An application under Section 152 read with Section 151 CPC has been filed on behalf of defendant wherein it is urged on behalf of the defendant that the court while passing the order dated 24/01/2023 has allowed application of the plaintiff under Order 39 Rule 1 & 2 CPC and has inadvertently observed that the defendant has admitted the receipt of Rs.18 lakhs from the plaintiff. However, the defendant has admitted only availing of loan of Rs. 16 lakhs from the plaintiff and nowhere in the entire written statement, the defendant had ever pleaded that he had received Rs. 18 lakhs from the plaintiff.

Ld. counsel for the plaintiff has no objection in so far as the averments made in the application under Section 152 CPC is concerned, however, he submits that as a matter of fact the defendant has received Rs. 18 lakhs and the same is matter of trial. Accordingly, the application is allowed and the said fact is taken note off and the words mentioned in order dated 24/01/2023 on page 2, last two lines should be read:

“That the defendant has also not
specifically denied receipt of Rs. 16 lakhs from the
plaintiff”

cont..2

Another application filed on behalf of plaintiff under Order 39 Rule 10 read with Section 94 & 151 CPC is pending for arguments today. Ld. counsel for the defendant seeks adjournment on the ground that main counsel is not available today.

Put up for arguments on the application on under Order 39 Rule 10 read with Section 94 & 151 CPC 20.05.2023.

(Alok Shukla)
ADJ-07, Central, THC
Delhi/08.05.2023