

SBI vs. Rajinder Kumar
CS-2827-2022

Present: Shri Mukesh Sehgal, Advocate for plaintiff.
Shri Raghbir Singh, Advocate for defendant.

Previous cost paid. Receipt has been placed on record. Written statement filed by the defendant. Copy supplied. Learned counsel for plaintiff is not intended to file the replication. Both the parties were given an option to settle their dispute outside the Court, in the manner, as provided under Section 89 C.P.C., which has not been opted for. Heard. From the pleadings of parties, the following issues are hereby framed:-

1. Whether the plaintiff is entitled to the relief of recovery of Rs.7,05,372/- including interest calculated upto 15.11.2022 along with pendente lite and future interest @ 13.80% per annum with monthly rests and interest from 16.11.2022 till its realization by sale of hypothecated stock of business i.e. bricks, sand, iron steel, cement etc. and other current assets of the defendant, as prayed for? OPP.
2. Whether the present suit is not maintainable in the present form? OPD.
3. Whether the Civil Court has no jurisdiction to entertain and try the present suit? OPD.
4. Whether the plaint is liable to be rejected under Order 7 Rule 11 of CPC? OPD.
5. Whether the present suit is barred by the provisions of Haryana Indebtedness Act? OPD.
6. Whether the suit of the plaintiff is liable to be rejected under Order 7 Rule 1(j) CPC? OPD.
7. Whether the plaintiff is estopped from filing the present suit by his own act and conduct? OPD.
8. Whether the plaintiff has suppressed the true and material facts from the Court? OPD.
9. Relief.

No other issue is either pressed or claimed. Onus not objected to. Now, to come up on **22.12.2023** for the evidence of plaintiff. Ld. Counsel for the plaintiff is directed to file the list of witnesses, PF and DM etc. with seven days, failing which the evidence of plaintiff shall be brought at own responsibility. However, it is made clear that both the parties will be given each three opportunities, each, to lead their evidence as clear from the amended provisions of CPC. The parties shall produce a list of witnesses, (on the file), whom they want to call, either to give evidence or to produce documents and obtain summons of such persons, for their attendance in the Court. It is further directed that both the parties should supply the copy of affidavits as well as documents etc. (tendered in evidence) to the opposite party (well before seven days), so that the cross-examination may not defer on this ground alone.

Date of order: 01.12.2023.
(Devi Dayal)

(Madhulika)
CJ(SD)/ACJM/Jagadhri
(UID No.HR0238)