

CS-13-2025

SBI Bawal Vs. Chander Bhan etc.

Present: Sh. Dhirender Singh, counsel for plaintiff.
Sh. J.S. Mehlawat, counsel for defendants.

Written statement and reply to application under Order 38 Rule 5 and under Order 1 and 2 and Section 94 and 151 CPC on behalf of defendants filed. Copy supplied.

Learned counsel for plaintiff submitted that he do not want to file replication.

Pleading of both the parties have already been completed.

Learned counsel for parties requested for framing of issues.

In view of the submissions made above, following issues are framed as under:-

1. Whether the plaintiff is entitled to a preliminary/composite decree of recovery as prayed for?OPP
2. Whether the plaintiff is entitled to a decree of final decree in default of payment as prayed for?
3. Whether the suit of the plaintiff is not maintainable in the present form?OPD
4. Whether the plaintiff has not come to the court with clean hands and suppressed the true and material facts from the court?OPD
5. Whether the plaintiff has no cause of action and locus standi to file the present petition?OPD
6. Whether this Court has no jurisdiction to try and entertain the present suit?OPD

7. Whether the plaintiff is estopped by his own act and conduct from filing the present suit?OPD
8. Whether the suit of the plaintiff is time barred?OPD
9. Relief.

No other issue is pressed or claimed by the parties to the suit. Onus not objected to. Now, to come upon 17.04.2026 for evidence of plaintiff. Plaintiff will get himself examined first. The plaintiff will file a list of witnesses to be summoned as well as to be produced at own responsibility. DM and list of witnesses be filed within 10 days, otherwise witnesses shall be brought at own responsibility. Examination-in-chief of the private witnesses shall be in the shape of affidavits. Copies of affidavits of the witnesses be furnished to the opposite counsel well in advance. The parties are at liberty to opt for any ADR mechanism. Admission or denial of the documents be also filed, if any.

Arguments on application under Order 38 Rule 5 and under Order 1 and 2 and Section 94 and 151 CPC shall also be heard on the date fixed.

Order Date: 13.03.2026

(Manoj)

(Alok Anand)
ACJ(SD), Bawal.
(UID-HR0396)