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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 217/2022 & I.As. 8369/2022, 10518/2022, 14420/2022,
14422/2022**

SH. KAPIL GUPTA

.....Plaintiff

Through: Mr. Jagdeep Kr. Sharma, Mr.
Kartikay Sharma and Mr. Sourabh
Chaubey, Advocates

versus

SH. MUKESH GUPTA & ORS.

.....Defendants

Through: Mr. Ranbir Singh, Advocate for D-1
& D-6
Mr. Vidit Gupta, Advocate for D-2
Mr. Gaurav Mitra, Mr. Dhananjay
Jain, Mr. Sanjay Mishra, Mr. Mohit
Taneja and Mr. Kartikey Mittal,
Advocates for D-3 to D-5

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **24.10.2024**

CS(COMM) 217/2022

1. The plaintiff will place on record the documents along with affidavit within a period of two (2) weeks substantiating its plea at paragraph '10' of the plaint, which reads as under: -

“That it is suffice to state that the payment made on 11 .07.2006 was made vide cheque bearing no. 237525 which was dated 10.07.2006 drawn on Union Bank of India and the said cheque was issued in the name of Defendant no. 3 and which was duly encashed. That the receiving of all the payments received was duly mentioned in the agreement to sell dated 12.03.2006 by defendant no. 1/Mukesh Gupta.”



2. The said direction has been necessitated as defendant no. 3 denies privity of interest with the plaintiff categorically disputes receipt of any amount from the plaintiff. Defendant no. 3 has filed an application, i.e., I.A. 8369/2022 for rejection of plaint on this ground and on the plea of lack of cause of action. The ATS dated 12.03.2006 is admittedly not executed with defendant no. 3 and the sole basis for maintaining the suit against defendant nos. 3 to 5 is the said payment averred in the suit.

3. It is clarified that if plaintiff fails to comply with the directions shall be presumed that it has no document to substantiate its plea and the application will be decided accordingly.

4. List I.A. 8369/2022 and I.A. 14422/2022 on 25.11.2024.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 24, 2024/rhc/sk