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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 65/2018 & I.A. 2604/2019
VLS COMMODITIES PRIVATE LIMITED Plaintiff
Represented by: Ms.Madhavi Khare, Adv.

versus

LATE SOMESH MEHROTRA THROUGH (SADHNA
MEHROTRA) & ORS Defendant
Represented by: Mr.Siddharth Sharma, Adv. with
Mr.A.Tiware, Adv. for D1 and D2
Ms.Ritu Gupta, Adv. for D3
Mr.Hemant Gupta, Adv. for D4

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **02.03.2020**

I.A. 2604/2019 (under Order XVI Rule 5 CPC filed by D1 and D2)

1. By this application, the defendant Nos. 1 and 2 seek modification of issue No. 1 as also framing of an additional issue in the suit being barred by limitation.

2. This Court finds no ground to modify issue No. 1. The defendants have taken the plea in the written statement that the suit is barred by limitation and hence, the issue in this regard is required to be framed. Issue No.3 will now be read as under:-

“3. *Whether the suit is barred by limitation? OPD*”

3. Issue Nos. 4 and 5 will now be read as under:-

“4. *Whether the plaintiff is entitled to any interest? If so, at what rate and for what period? OPP*

5. *Relief.*”

4. Application is disposed of.

CS(OS) 65/2018

1. Learned counsels for the parties state that the joint schedule of the documents is ready and will be filed within one week.

2. Issues have already been settled in the suit vide order dated 26th November, 2018.

3. List of witnesses and evidence by way of affidavit of the plaintiff's witnesses be filed within four weeks.

4. List of witnesses and evidence by way of affidavit of defendants' witnesses be filed within four weeks thereafter.

5. List before the learned Joint Registrar for fixing the dates of trial on 21st April, 2020.

6. List before the Court for monitoring the recording of evidence on 17th August, 2020.

MUKTA GUPTA, J.

MARCH 02, 2020/akb