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

+ **CS (OS) 15/2014**

HINDUSTAN PREFAB LTD Plaintiff
Through: Mr. Arvind Minocha, Advocate.
(M:9811048012)
versus

BASANT BAGDE PROPRIETRO VIJETA
CONSTRUCTION CO. Defendant
Through: Mr. Tarun Kumar Tiwari, Advocate.
(M:9810695024)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **10.08.2018**

The Court has perused the documents, which are attached with I.A. No.6777/2015. These documents shall be detached from the I.A. file and shall be placed in the document file of the Defendant. These are letters written by Hindustan Prefab Limited, upon which the Defendant has relied upon. These letters dated 21st May, 2008, 22nd May, 2008 (two letters), 17th July, 2009, 19th September, 2009 and 13th July, 2009 have emanated from Hindustan Prefab Limited and a governmental authority of the name State Urban Development Authority, Raipur. These documents are not disputed by the Plaintiff. Same are, accordingly, exhibited as Ex.D9 to Ex.D14.

After hearing submissions of the parties and from the pleadings on record, the following issues are being framed in the present suit.

- 1) Whether the termination of the contract dated 7th June, 2008 by the Plaintiff on 20th December, 2010 is valid and legal? OPP
- 2) What was the total value of the work done by the Plaintiff? OPP



- 3) Whether any excess payment was given by the Plaintiff to the Defendant? OPP
- 4) Whether the third party report in respect of the work is defective? OPD
- 5) Whether the Defendant did not agree to the joint measurement and if so, to what effect? OPP
- 6) Whether the Plaintiff is entitled to the amount claimed in the present suit? OPP
- 7) Whether the Plaintiff is entitled to *pendent lite* and future interest on the said amount and if so, at what rate and for what period? OPP
- 8) Relief.

No other issues are pressed by the parties.

List of witnesses be filed by both the parties within four weeks. Plaintiff to file the affidavit in evidence of its witnesses within eight weeks.

List before the Joint Registrar on 25th October, 2018. If any witness is from outstation, his/her evidence shall be recorded on day to day basis. Recordal of evidence shall take place as per the Delhi High Court (Original Side) Rules, 2018.

PRATHIBA M. SINGH, J.

AUGUST 10, 2018/dk