

HPSEBL vs. M/s Pamwi Tissues

C.S. No. 62 of 2005

23.4.2024 Present: Ms. Sunita Sharma, Senior Advocate with Mr. Vivek Thakur, Advocate, for the plaintiffs.

Defendants No. 2 and 3 exparte.

Suit against defendants No. 4 to 6 stands dismissed, vide order dated 19.12.2003.

Ms. Kiran Negi, Advocate vice Mr. Rahul Mahajan, Advocate, for defendant No. 7.

From the pleadings of the parties, the following issues are framed:

- 1) *Whether plaintiffs are entitled for recovery of a sum of Rs. 1,11,35,656, alongwith interest @Rs. 24% p.a., from 24.5.2004, till the date of payment of the entire amount, alongwith interest? OPP*
- 2) *Whether the suit is not maintainable, in view of provisions of Section 22 of the Sick Industrial Special Provision Act, 1985, if so its effects? OPD7.*
- 3) *Whether the suit is barred by limitation, if so its effects? OPD7.*
- 4) *Whether the suit of the plaintiffs is bad for non-joinder of necessary parties, if so its effects? OPD7*

5) *Whether the suit is not properly valued for the purpose of Court fee and jurisdiction, if so its effects? OPD7.*

6) *Whether the suit has not been filed by the competent authorized person, if so its effects? OPD7*

7) *Relief.*

The issues, so framed, are readover and explained to the parties. No other issue is claimed, pressed or made out. Onus is not objected to. Now, the case be listed before the learned Registrar (Judicial) for fixing the date for plaintiffs' evidence. Steps be taken by both the parties within 15 days, under Order 16 Rule 1 of the Code of Civil Procedure, failing which, no assistance shall be given to the defaulting party.

**(Virender Singh)
Judge**

April 23, 2024
(kalpana)