

**M/s D.Y. Associates & anr. Vs. M/s
Pragati Paper Industries Ltd.**

C.S. No. 46 of 2022

14.5.2024 Present: Mr. Anirudh Sharma, Advocate, for
the plaintiffs.

Mr. Ashok Tyagi, Advocate, for the
defendant.

Pleadings are complete.

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

- i) Whether plaintiffs are entitled for recovery of Rs. 2,96,68,750/- (Rs. 2,35,00,000/- as principal and Rs. 61,68,750/- as interest, alongwith interest @ 9% per annum, from the date of filing the suit, till actual realization of the amount? OPP
- ii) Whether the suit is not maintainable, if so its effect? OPD
- iii) Whether the plaintiffs have concealed the material facts from scrutiny of the Court, if so its effect? OPD
- iv) Whether the plaintiffs have not approached the Court with clean hands, if so its effect? OPD
- v) Whether the plaintiffs are having no cause of action to file the suit, if so its effect? OPD

- vi) Whether the plaintiffs are estopped from filing the suit, if so its effect? OPD
- vii) Whether the suit of the plaintiffs is barred by limitation? OPD
- viii) Whether the suit of the plaintiffs is barred under Order 2 Rule 2 CPC? OPD
- ix) Whether the suit of the plaintiffs is barred under Section 11 of the CPC? OPD
- x) 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

May 14, 2024
(kalpana)