

Rajesh Mishra vs Sanjesh And Others on 26 May, 2023

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(OS) 161/2023
RAJESH MISHRA

..... Plaintiff

Through:

Versus

SANJESH AND OTHERS

Through:

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)

ORDER

% 26.05.2023 IA No.9699/2023 under Section 151 CPC moved by the plaintiff for appropriate order None for the applicant/plaintiff.

Re-notify captioned IA for consideration on the next date of hearing.

CS(OS) 161/2023 As per office note, Vakalatnama filed by learned counsel for the defendant no.1&2, is on record.

As per office note further, Written Statement filed by the defendant no.1&2 is on record. It is stated by learned counsel for the defendant no.1&2 that inadvertently in the supporting index, it is referred to as Written Submissions instead of Written Statement filed by the defendant no.1&2. He submits that he will take This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 25/09/2023 at 11:30:32 requisite steps to correct the same. Learned counsel is at liberty to proceed as per law.

No Affidavit of Admission/Denial of documents has been filed by the defendant no.1&2 qua the documents of the plaintiff. So, the consequences as envisaged under Chapter VII Rule 4 of Delhi High Court (Original Side) Rules, 2018 shall follow. The plaintiff is at liberty to file Replication to Written Statement of defendant no.1&2, if any, within stipulated period as prescribed by law with

copy to the opposite side.

The defendant no.3 has not taken steps to bring Vakalatnama, Written Statement and documents, stated to have been filed by the defendant no.3, on record till date. In the interest of justice, no adverse order is being passed today and the last and final opportunity is granted to the defendant no.3 to bring the same on record.

The plaintiff has not taken steps for issuance of summons of the suit to the defendant no.4. There is no appearance on behalf of the plaintiff today to explain in this regard. In the interest of justice and subject to imposition of cost of Rs.1000/- to be deposited with Delhi High Court Legal Services Committee, one more opportunity is granted to the plaintiff to take requisite steps for issuance of summons of the suit to the defendant no.4 by permissible modes, returnable for the next date of hearing.

It is stated by learned counsel for the defendant no.5 that she has filed Written Statement alongwith Affidavit of Admission/Denial of the documents vide diary no.766784. However, the same is not on record. Learned counsel for This is a digitally signed order.

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Re-notify the matter for completion of service qua defendant no.4 as well as completion of pleadings qua other defendants on the next date of hearing. IA No. 4467/2023 (Stay) moved by the plaintiff As per office note, reply to captioned IA filed by the defendant no.1&2 is on record.

It is stated by learned counsel for proxy counsel for the defendant no.3 that he does not wish to file any reply to captioned IA.

It is stated by learned counsel for the defendant no.5 that she has filed reply to captioned IA vide diary no.766784 but the same is not on record. Learned counsel for the defendant no.5 undertakes to check up the same with the Registry and get the same placed on record after removing the objections, if any.

The plaintiff is at liberty to file rejoinder to the reply of defendant no.1&2 and D-5 within two weeks with copy to the opposite side.

The plaintiff has not taken steps for issue notice of captioned IA to the defendant no.4. In the interest of justice, one more opportunity is granted to the plaintiff to take requisite steps for issuing notice of captioned IA to the defendant no.4 by permissible modes, returnable for the next date of hearing.

Re-notify captioned IA on 04.07.2023.

PRIYA MAHENDRA (DHJS) JOINT REGISTRAR (JUDICIAL) This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 25/09/2023 at 11:30:33 At 1.27 p.m. At this stage, the matter has been taken up again as Ms. Kajal Kadam, learned counsel for the plaintiff is present. She is made acquainted with the proceedings and the next date of hearing.

PRIYA MAHENDRA (DHJS) JOINT REGISTRAR (JUDICIAL) MAY 26, 2023/ab Click here to check corrigendum, if any This is a digitally signed order.

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