

24.08.2024

CS No. 10164/16
Jag Mohan vs. Girdhari Lal

Present: Plaintiff no. 2(a) a/w Ayush Sharma in person.
Ms. Priya Deep, Ld. Counsel for defendant no. 2 i.e. defendant no. 2A and 2B and defendant no. 3B and 3C through VC.
Ms. Gaurangi Khanna, Ld. Counsel for the defendant no. 1(c)(a) to 1(c) (d).
Sh. Shrivats Kaushal, Ld. Counsel for the defendant no. 2(a) (b) and 3(b) and (c).
Defendant no. 7 and 8 are already ex-parte.
Sh. S.S Jain, Ld. Counsel for the Lrs of defendant no. 10.
Sh. Shirabh Yadav, Ld. Counsel for the Lrs of defendant no. 11.

The file has been sent for digitization.

I have been informed that file has not yet received from the digitization cell since it being bulky, it is taking time to scan the same.

However, on the basis of the previous ordersheet which has been retrieved from the computer of the court and with the assistance of the parties, appearing in court today, on the LDOH, the parties were directed to apprise the court with respect to the status of the plaintiffs and also their LRs.

Pursuant to the aforesaid order, the plaintiff no. 2A has apprised the court the details of the plaintiffs.

It is submitted by counsel for plaintiff no. 2A that plaintiff no. 1 is not appearing in the present matter since the year-2009 and has not appeared thereafter.

It is further submitted on behalf of plaintiff no. 2A that plaintiff no. 2 Sh. Chander Mohan Gupta expired on 17.01.2014 and is survived by Mr. Nitin Gupta (plaintiff no. 2A) who was impleaded as a party vide order dated 26.05.2015, Mrs. Kanika Gupta and Mrs. Manika Garg, daughters of plaintiff no. 2 have not been impleaded in the present matter as the plaintiffs.

As per the aforesaid Order, plaintiff no. 2 was substituted by the sole representative i.e. plaintiff no. 2A in the present matter.

Accordingly, there is no change in the status of the plaintiffs and both the plaintiffs are duly represented in the present suit.

The parties have jointly submitted that the following applications are pending :-

1. Application under Section 151 CPC dated 07.05.1999 filed by D11C (Smt. Santosh Kumari) seeking directions to LC to separate the share of D11-C.

2. Application under Section 151 CPC dated 14.09.2012 filed by D10 A to D seeking deletion of names of defendant no. 11a (i) to (ix), 11(b), 11(c), 11(d) from the memorandum of parties dated 15.12.2000.

3. Application under Order 22 Rule 4 CPC read with Section 151 CPC filed by plaintiff no. 2A to bring on record the LRs of deceased defendant no. 1B.

4. Application under Order 22 Rule 4 CPC read with Section 151 CPC filed by plaintiff no. 2A to bring on record the LRs of deceased defendant no. 4.

5. Application under Section 151 CPC filed by plaintiff no. 2A seeking directions to defendant nos. D1(A) to D1(E); D2(A), D2(B), D3(A) to D3(C) D4(A) to D(C), D6(D), D10(A) to D10(D), D11(i) to D11(iv), D11(A) to D11(D) to clarify/confirm that the defendants being arrayed as parties are alive and no other LRs of any of the defendants need to be brought on record.

6. Application under Section 151 CPC filed by plaintiff no. 2A for service of the defendants by way of affixation.

WITH RESPECT TO DEFENDANT NO. 1

Today, Ms. Gaurangi Khanna has entered appearance on behalf of defendant no. 1C(A) to defendant no. 1C(D) who are the wife of the sons of Late Sh. Devender Chandra Jain who was one of the sons of Sh. Girdhari Lal Jain.

She is directed to apprise the court with respect to the status of the other Lrs of Late Sh. Girdhari Lal Jain (**Defendant no. 1**) including their names and addresses and phone numbers etc., if available.

WITH RESPECT TO DEFENDANT NO. 2

Today, Ms. Priya Deep has entered appearance on behalf of two LRs of defendant no. 2 i.e. defendant no. 2A and 2B.

She is directed to apprise the court with respect to the status of the other Lrs of defendant no. 2 i.e. Late Bimal Pershad Jain (**Defendant no 2**) including their names and addresses and phone numbers etc., if available.

WITH RESPECT TO DEFENDANT NO. 3

Today, Ms. Priya Deep has entered appearance on behalf of two LRs of defendant no. 3 i.e. defendant no. 3B and 3C who are the sons of Sh. Trilok Chand Jain (**Defendant no. 3**)

She is directed to apprise the court with respect to the status of the other Lrs of defendant no. 3 i.e. Late Sh. Trilok Chand Jain (**Defendant no 3**) including their names and addresses and phone numbers etc., if available.

WITH RESPECT TO DEFENDANT NO. 4

Defendant no. 4 Sh. Virender Kumar Jain is stated to have expired on 28.03.2021.

An application seeking impleadment of his 3 LRs i.e. Puneet Jain, Shivani and Poonam Jain is stated to be pending.

It is submitted by the counsel for the plaintiff that the notice of the application under Order 22 Rule 4 CPC could not be served upon the LRs of defendant no. 4

The plaintiff is directed to take fresh steps for the service of the LR's of the deceased defendant no. 4 on filing of PF/RC/Speed Post including Whatsapp and Email through Nazarat Branch alongwith filing of an affidavit stating that the whatsapp no and email address belongs to the said LR's of defendant no. 4.

WITH RESPECT TO DEFENDANT NO. 5 TO 8

It appears that defendant no. 5 to 8 are not represented in the present suit.

It has been submitted by the parties that earlier defendant no. 6 was represented through a counsel.

As recorded vide order dated 16.04.2024, defendant no. 7 and 8 are exparte.

WITH RESPECT TO DEFENDANT NO. 9.

Defendant no. 9 stands deleted vide order dated 14.04.1978.

WITH RESPECT TO DEFENDANT NO. 10 A to D.

Defendant no. 10A to 10D is represented through Sh. S.S Jain.

WITH RESPECT TO DEFENDANT NO. 11

Defendant no. 11(i) to 11(iv) is represented through defendant no. 11(ii) who is present in the court.

WITH RESPECT TO DEFENDANT NO. 11A to 11D

It appears from the contention of the parties that they are not appearing in the present suit and an application dated 14.09.2012 under Section 151 CPC seeking deletion of their names from the memo of parties dated 15.12.2000 is pending.

WITH RESPECT TO DEFENDANT NO. 12

It is submitted that the aforesaid defendant stands deleted from the array of parties vide order dated 14.04.1978.

WITH RESPECT TO DEFENDANT NO. 13

The aforesaid defendant stood transposed as plaintiff no. 2 and his LRs are already on record.

WITH RESPECT TO DEFENDANT NO. 14 to 17

Defendant no. 14 to 17 are stated to be not appearing in the present matter.

The parties are directed to place on record fresh amended memo of parties clearly showing the status of the defendants including their status of service/non-service.

The appearing counsels are requested to verify their respective appointments and in case, Vakalatnama has not been filed on behalf of any of the parties, the same may be filed before the NDOH.

Renotify the matter for further proceedings on **21.09.2024 at 2:00 PM.**

Sachin Sood
DJ-01, Central, THC
24.08.2024