

Ahsanur Rahim Vs. Surender Kumar Tak Deceased

CS (Comm) No. 1094/2024
07.12.2024

Present : Sh. S.S. Nizami, Ld. Counsel for the plaintiff through video conferencing.
None for defendant No. 1.
Md. Junaid Ibrahim, Ld. Counsel for defendant No. 6 and Sh. Nadem Hussain, Ld. Counsel for defendant No. 6 through video conferencing.
Sh. Madan Sagar asn Sh. R.K. Garg, Ld. Counsels for defendant No. 7.
Sh. Suresh Chand, Peon on behalf of defendant No. 8 Sub Registrar is present.

Ahlmad has submitted that the PF has not been filed qua defendant No. 1.

Defendant No. 1 has been made party who is Surender Kumar Tak through LRs whereas a deceased cannot be made as party at the time of filing of the suit therefore the plaintiff is directed to amend the plaint and the memo of parties and whosoever who has inherited the estates of deceased be directly make as party instead of deceased through LRs.

Summons sent to defendants No. 6 and 7 have been received back served.

Ld. Counsel for the defendant No. 6 has filed memo of parties.

Ld. Counsel for defendant No. 7 has filed vakalatnama.

However, Ld. Counsels for defendants No. 6 and 7 submit that only copy of plaint has been served but the documents have not been filed. Same supplied today to both counsels. They seek time to file their respective written statements. Let the same be filed with advance copy supplied to the plaintiff.

Let defendant No. 7 to file status report of construction and the action taken.

Defendant No. 4 has been made party who is Smt. Pratima Tanwar through LRs whereas a deceased cannot be made as party at the time of filing of the suit therefore the plaintiff is directed to amend the plaint and the memo of parties and whosoever who has inherited the estates of deceased be directly make as party instead of deceased through LRs however summons sent to defendant No. 4 through ordinary process has been received as premises found locked.

As per the report of process server, summons sent to defendants No. 2, 3 and 5 through ordinary process have been received back unserved with the report that premises found locked and on inquiry, it was told that the premises is lying locked since long ago whereas summons sent to defendants No. 2, 3 and 5 received with the remarks, left without address.

Further, Sub Registrar / defendant No. 8 has been made as party however the Sub Registrar has no role as his duty is only to register the documents therefore I order to delete the Sub Registrar from the array of defendants.

In the meantime, let plaintiff to file fresh address of defendants No. 2, 3 and 5.

Put up on 7.1.2025.

(Sanjeev Kumar Aggarwal)
DJ (Commercial)-01, Central,
THC/Delhi / 07.12.2024