

CS (Comm) No. 1094-24
Ahsanur Rahim vs. Surender Kumar Tak

13.02.2025

Present:- Sh. S.S. Nizami, Ld. Counsel for plaintiff.
Sh. Madan Sagar, Ld. Cousnel for defendant no. 7 /
MCD.

Be awaited for report qua service of proposed
defendant Shaila Qureshi.

At 02.21 p.m.

Present : Sh. S.S. Nizami, Ld. Counsel for plaintiff.
None for defendants.

Notice sent to the proposed defendant Shaila
Qureshi received back with the report that one person met at the
spot and told that Ms. Shaila Qureshi is paralyzed and has gone
to doctor and not coming from few days.

Ld. Counsel for plaintiff submits that proposed
defendant is deliberately avoiding service.

I have considered the submissions.

From the facts and circumstances, let notice be
issued to the proposed defendant Shaila Qureshi by way of
affixation on filing of PF. Steps be taken immediately. Summons
be given *dasti*.

Contd..2/-

Ld. Counsel for plaintiff submits that he wants to withdraw the relief-(d) of the prayer clause. He has also relied upon the judgments of Hon'ble Supreme Court passed in case Curewell (India) Ltd. Vs. Sahib Singh (Dead) by LR's and Ors., on 18.12.1991, AIR 1992 SC 1584 and K.S. Bhoopathy and Ors. Vs. Kokila and Ors in support of his contentions that plaintiff is entitled to withdraw any relief prayed by him.

In my view, since the application under Order VI Rule 17 CPC and application under Order I Rule 10 CPC are pending, therefore, at this stage, his prayer for deleting the relief-(d) cannot be considered and same will be considered at the time of disposal of the said applications.

Put up on 18.02.2025.

(Sanjeev Kumar Aggarwal)
District Judge (Commercial Court)-01,
Central, Tis Hazari Courts,
Delhi/13.02.2025