

C.S. No.: 2625/16

08.10.2016

Case file taken up today as 13.09.2016 was declared holiday by the Hon'ble High Cour vide notification No. 2092/G-4/Genl. DHC dated 09.09.2016 and endorsement no.2093-3043/G-4/Genl./DHC dated 09.09.2016 due to Idu'l Zuha (Baqried) and the matter listed on 13.09.2016 shall be taken up on 08.10.2016.

Present:- Sh. Mohd. Yusuf, ld. Counsel for the plaintiff along with plaintiff in person.

Sh. M.G. Vacher, ld. Counsel for the defendant and also counsel for applicant on the application under Order 1 Rule 10 CPC along with Sh. Ankit Mittal.

Ld. counsel for the plaintiff filed an application under Order 39 Rules 1 and 2 CPC along with postal receipts. The same is taken on record. Copy given.

Ld. counsel for the defendants filed written statement on behalf of defendants no.2 to 4 and 6 to 8, application under Order 8 Rule 1 CPC for condonation of delay in filing the written statement and reply to the application under Order 1 Rule 10 read with Section 151 CPC. The same are taken on record. Copies given.

Ld. Counsel for the plaintiff submits that in the earlier application under Order 39 Rules 1 and 2 CPC dated 30.08.2016, inadvertently he has not mentioned one prayer and hence today he has filed fresh application under Order 39 Rules 1 and 2 CPC. He therefore, prayed that the plaintiff be allowed to withdraw the

application under Order 39 Rules 1 and 2 CPC dated 30.08.2016.

Separate statement of the plaintiff is recorded in this regard.

In view of the separate statement made by the the plaintiff, the application under Order 39 Rules 1 and 2 CPC dated 30.08.2016 is dismissed as withdrawn. Application is disposed off accordingly.

Put up this matter for reply and disposal of the application under Order 8 Rule 1 CPC filed by the defendant, reply and disposal of the application under Order 39 Rules 1 and 2 CPC filed by the plaintiff, disposal of the application under Order 1 Rule 10 CPC and for payment of cost, on 10.11.2016. Parties are directed to appear in person.

(Anurag Sain)
ADJ-2, East, Karkardooma Court,
Delhi/08.10.2016