

CS No. 847/19

Dinesh Singh Vs. Kari Yadav

23.11.2019

Fresh suit received by way of assignment. It be checked and registered as per rules.

Present: Ld. Counsel for the plaintiff/ applicant.

In the present suit interest is also included. Hence, it is not of liquidated amount. The present suit is converted into ordinary suit.

Originals are directed to file on record within a month.

Arguments heard on summoning.

Part I- Issuance of Summons/Notice- Issue summons of the suit and notice of the application to defendant on filing of PF within Three (3) to seven (7) days as per (O.5 r.9 CPC) through:

1. Process Server.
2. Registered post.
3. Speed Post.
4. Authorised courier.

Part II- Timely Service by Nazarat- Incharge Nazarat Branch is hereby directed to ensure that the processes issued shall be executed and served preferably within one week (7 days) but not later than 15 days.

Part III- Fixation on Refusal- In case the defendant refuses to accept the service or is not found available despite Three (3) mandatory visits, Process Server shall affix the summons at a conspicuous place of the defendant's address and leave the copy of plaint and annexures there as per O.5 r.17 CPC alongwith affidavit of service.

Incharge Nazarat Branch shall ensure that the served/unserved/affixation report shall reach the Court within outer limit of 15 days as per O.5 r.18 CPC.

Left without Address Report- In case the defendant is reported to have left without address, then fresh process be issued at the fresh address if any available with the plaintiff on new PF. In case no other address is available, then defendant be served by way of affixation at the last available address on new PF to be filed within 7 days of inspection of the file.

Part IV- Substituted Service- In case no service is effected upon the defendant for any reason and Id. Counsel for plaintiff deems fit that service needs to be effected by substituted means he shall move an application within one week of receipt of unserved process.

Part V- Timely Filing of Written Statement under Order 8 CPC- In case of due service of summons of the suit, defendant shall file Written Statement within 30 days of receipt thereof. Advance copy of Written Statement shall be sent to the plaintiff by registered post/courier and email, if any.

In case no Written Statement is filed by the defendant within 30 days and no extension of time is sought, then the Court may pronounce judgment under O.8 r.5 and O.8 r.10 CPC, or may strike off right to file WS of reply.

Service of Incomplete Plaint- In case defendant finds that the paper book of the plaint received by him is incomplete or illegible, he/she shall move an interim application before Court within 7 days of receipt of summons instead of waiting for the next date. No such plea shall be entertained thereafter.

Part VI- Replication, if any,- Plaintiff may file replication, if any, within 15 days of receipt of Written Statement. Plaintiff shall serve the copy of the replication upon the defendant through registered post/courier and email, if any.

Part VII- Admission/Denial by Affidavit in Given Format- Both the sides are directed to file a separate affidavit qua Admission/Denial of each or every document filed alongwith the pleadings in the annexed format, on the date of framing of issues.

CS No. _____

_____ (Plaintiff) V/s. _____ (Defendant)

AFFIDAVIT FOR ADMISSION/DENIAL OF DOCUMENTS

I, _____ S/o/AR of _____ R/o

_____, do hereby solemnly affirm and declare as under:

S.No.	Description of document filed by the opposite party	Page No. in Paper Book	Remark (*)

--	--	--	--

* Admitted/Denied/Partly admitted/Only signatures admitted, Content denied (any other reason/please specify) Deponent

Verification:

Verified at Delhi on this _____ day of _____ that the contents of my affidavit are true and correct to my knowledge and no part of it is incorrect and nothing material has been concealed therefrom.

Deponent

Part VIII- File Interim Applications before hearing- In case either of the parties is desirous of moving an interim application, they shall do so in between the date of hearings by serving advance copy to the other side by registered post/courier and speed post, if any.

Framing of Issues- Upon completion of pleadings issues would be identified on law as well as facts while placing specific onus on the parties to prove them as per Order 14 CPC.

Referral to Mediation/Lok Adalat- Upon completion of pleadings, parties would be given an option to go for ADR (Viz. Arbitration, Mediation and Lok Adalat) as per Section 89 CPC.

Recording of Evidence by LC- In case no settlement is arrived at then the evidence would be recorded either by the Court or by Ld. Local Commissioner/Advocate appointed or empaneled with DSLSA/DLSA in terms of **Order 18 Rule 4 CPC, Rameshwari Devi Case and Salem Bar Association Case** of Hon'ble Supreme Court.

Hearing of Final Arguments- Upon completion of recording of evidence in the Court or before LC, case shall be taken up for final arguments followed by passing of judgment.

Copy of this order be sent to defendant alongwith summons of the suit.

Now to come up for service, completion of pleadings and disposal of miscellaneous application, if any and framing of issues on date **30.03.2020**.

(TWINKLE WADHWA)
ADJ-03/PHC/NEW DELHI
23.11.2019