

10.10.2023

Present: Sh. M.S. Bammi, Ld. Counsel for L.Rs of plaintiff.

Sh. Manoj Ahuja, counsel for D-1 & D-2.

Sh. Anubhav Gupta, ld. Counsel for D-3/MCD.

An application under order 7 rule 11 CPC on behalf of D-1 & 2 has been filed today, copy supplied.

Ld. Counsel for the plaintiff submits that on the last date of hearing he had filed an application u/o 1 rule 10 CPC and prays to the court to issue summons to the proposed defendant.

As per plaint the plaintiff is praying to the court to pass a decree of Rs. 20 lacs as compensation of damages. But with the plaint the plaintiff has filed court fees of Rs. 30 for the recovery of amount of Rs. 20 lacs. Apparently by reading the plaint, it is clearly established that plaintiff has not affixed the proper court fees. The plaintiff is directed to affix advalrum court fees on the recovery of compensation amount of Rs. 20 lacs.

Ld. Counsel for the plaintiff is directed to file the appropriate court fees within 2 weeks from today.

Ld. Counsel for the plaintiff submits that he has supplied the copy of application u/o 1 rule 10 CPC to ld. Counsel for the defendant today itself. Ld. Counsel for the defendant has acknowledged the same.

Cont. 2

Ld. Counsel for the defendants are directed to file reply to the application u/o 1 rule 10 CPC with an advance copy to ld. Counsel for the plaintiff.

Ld. Counsel for the plaintiff submits that he is not opposing the belated filing of written statement by defendant no. 3 and he has no objection if delay in filing the written statement by D-3 is condoned.

Put up on 16.11.2023 for report regarding filing of court fees, reply to application u/o 1 rule 10 CPC and consideration of application u/o 39 rule 1 & 2 CPC as well as for consideration regarding delay in filing of written statement by defendant no. 3.

(SHIV KUMAR)
ADJ-02, West Distt.Tis Hazari Courts
Delhi:10.10.2023(S)