

13.05.24

Present: Ld. Proxy Counsel for the plaintiff.
Sh. Mayank Gakkar, Ld. Counsel for defendant no.3.
Sh. Harit Chhabra, Ld. Counsel for defendant no.4.

It is seen that today is the last and final opportunity to the plaintiff to file reply to the application under Order I Rule 10 CPC filed on behalf of defendant no.3 as well as to file application for brining on record the LRs of deceased defendant no.2. However, it is submitted by Ld. Proxy Counsel for the plaintiff that counsel for the plaintiff Sh. Tehseem M. Siddiqui has gone to Assam on account of illness of his father.

On the last date of hearing also none had appeared on behalf of the plaintiff and prior to that on 04.12.2023 none had appeared on behalf of plaintiff. Several opportunities have been granted to the plaintiff to file reply to the aforesaid application under Order I Rule 10 CPC filed on behalf of defendant no.3. Application under Order I Rule 10 CPC has been filed way back on 01.05.2023. The vakalatnama filed on behalf of plaintiff is signed by three advocates. Therefore, the reason assigned by Ld. Proxy Counsel for plaintiff that main counsel is not available having gone to Assam is no reason as there are two other advocates also and they could have very well filed the reply to the aforesaid application. The court proceedings have been taken highly for granted by Ld. Counsel for the plaintiff. In these circumstances, the right to file reply to the application under Order I Rule 10 CPC for deletion of defendant no.3 is hereby closed.

So far as the application for bringing on record the LRs of deceased defendant no.2 is concerned, defendant no.2 is stated to have died on 16.01.2024, but till today no such application has been filed. Any such application should have been filed within 90 days from the death of defendant no.2. Again in view of the conduct of Ld. Counsel for plaintiff, for want of any application under Order XXII Rule 4 CPC for bringing on record LRs of deceased defendant no.2, the suit qua defendant no.2 stands abated.

Put up the case for arguments on application under Order I Rule 10 CPC as the only opportunity for the plaintiff, for 02.09.2024.

(Kishor Kumar)
DJ-04, North, Rohini Courts,
Delhi/13.05.24.