

28-01-2020

Present: Sh. Shubham, proxy counsel for appellant.

Sh. Nishant Singh, proxy counsel for R-1.

None for R-2.

Counsel for R-1 filed th reply. Copy given.

R-2 has not filed the reply. Hence, the right of the R-2 to file reply stands closed.

Perusal of the record reveals, that the appellant preferred an appeal against the order dated 24-12-2016 vide which his application u/o 39 Rule 1 & 2 CPC was dismissed. As such, it was an interim order and against that, the Miscellaneous Civil Appeal lies. However, the present appeal is registered as Regular Civil Appeal(RCA). Accordingly, Registry is directed to register it as a Miscellaneous Civil Appeal.

Perusal of the record reveals, that initially the appellant preferred an appeal before the concerned court in North-West District, Rohini, Delhi. At the later stage, in the said appeal, the appellant moved an application u/o 7 Rule 10 CPC for return of the plaint which was allowed. Accordingly, the present appeal was marked to the Id. Predecessor of this court.

Counsel for both the sides seek adjournment on the ground that main counsels are not available. Heard. Request allowed.

Put up for arguments on 27-04-2020.

(PANKAJ GUPTA)
ADJ-1(N)/Rohini/Delhi/28-01-2020