

CS (COMM.)99/20

AKSHAT DEVAN

Vs.

M/S BALAJI MAHARIA CONSTRUCTIONCO AND ORS

26.11.2022

Present: AR of the plaintiff alongwith Ld. Counsel Sh. Satya Pal.

Sh. Sonu Pandit, Ld. Proxy Counsel for defendant no. 3.

None for defendant no. 1 & 2.

It is pointed out by Ld. Counsel for the plaintiff that vide order dated 18.09.2019, the written statement of defendant no. 3 was taken on record subject to cost of Rs.3,000/- to be deposited in DLSA, North District, Rohini Court, Delhi. He submits that the defendant no. 3 has still not deposited the said cost even despite the directions given in this regard vide order dated 13.10.2020.

Ld. Proxy Counsel appearing on behalf of defendant no. 3 is not aware as to whether or not have these costs have been deposited.

Accordingly, it is directed that in case the costs have not been deposited till today, same be deposited by tomorrow positively, failing which the written statement filed by the defendant no. 3 shall be taken off the record.

Contd....2

Pleadings are already complete in this case.

Upon perusal of the pleadings of the parties and on hearing Ld. Counsels, following issues are framed:

- 1) Whether the suit is bad for non-joinder of necessary parties as contended by defendant no. 3 in his written statement?OPD3
- 2) Whether the plaintiff is entitled to decree of permanent injunction as prayed for?OPP
- 3) Whether the plaintiff is entitled for decree of mandatory injunction as prayed for?OPP
- 4) Relief.

No other issue arises or is pressed for.

The case is adjourned for PE on **15.02.2023**.

List for DE on **25.02.2023**.

List for final arguments on **01.03.2023**.

(VIRENDER BHAT)

District Judge (Commercial Court)

North:Rohini:Delhi/26.11.2022