

Sakir Khan vs. Sunil Khan Kumar & Ors.

CS No. 460/21

17.09.2021

Proceedings through video conference

In view of imminent threat of pandemic COVID-19, the present hearing is being made through video conference through Cisco Webex Meetings App to contain spread of COVID-19 in view of Office Order No. 6/R/RG/DHC/2021 dated 14.05.2021, No. 372/RG/DHC dated 28.06.2021, No. 438/RG/DHC/2021 dated 22.07.2021, No. 504/RG/DHC/2021 dated 12.08.2021 and No. 509/RG/DHC/2021 dated 19.08.2021 of Hon'ble High Court of Delhi and Order No.F2(1)/Judl./NW/RC/2021/19265-320 dated 03.06.2021 and No.24713-24777/F2(1)/NW/RC/2021 dated 21.08.2021 of Ld. Principal Distt. & Sessions Judge, North-West Distt., Rohini Courts.

File has been taken up today on an application for early hearing as well as application under Order 1 Rule 10(2) of CPC moved physically on behalf of plaintiff.

Present: Sh. Priyam Pandey, Ld. Counsel for plaintiff.

It is stated by Ld. Counsel for plaintiff that he has sent soft copies of both the above said applications on official email of this court. He has further stated that the present matter is of very urgent nature and next date of hearing i.e. 01.02.2022 is very long and hence, the same may kindly be preponed.

Heard. In view of submissions of Ld. Counsel for plaintiff, application for early hearing stands allowed and next date of hearing for 01.02.2022 stands cancelled and the matter is being heard today.

Ld. Counsel for plaintiff has stated that he has inadvertently impleaded SHO, PS Kanjhawala as defendant no.3 in the present matter. He has further stated that SHO, PS Kanjhawala is neither necessary nor proper party to the present suit and hence, his name may kindly be deleted from the array of parties. He has further stated that he has already moved application under Order 1 Rule 10(2) of CPC in this regard.

Heard. In view of submissions of Ld. Counsel for plaintiff, name of defendant no.3 i.e. SHO, PS Kanjhawala is deleted from the array of parties. The application under Order 1 Rule 10(2) of CPC moved by the plaintiff stands disposed off accordingly.

Issue summons of the suit and notice of application under Order 39 Rules 1 and 2 of CPC to the remaining defendants on filing of PF and RC/speed post returnable on next date of hearing. PF be filed within 15 days from today. The plaintiff is also directed to file amended memo of parties alongwith PF.

The remaining defendants are directed to file their written statement within 30 days from the date of service of summons and endorsement in this regard be made on the summons accordingly.

Put up for further proceedings on **28.10.2021**.

Digitally signed copy of this order sheet be kept on record. In case, any pleading or document has been filed in soft copy on official email of this court, the concerned party is directed to file such original pleading/document within one week.

(DEVENDER KUMAR GARG)
ADJ-03/(N-W)/Rohini Courts
Delhi/17.09.2021