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CS DJ 749/18

SURENDER Vs. DHARAMBIR AND ORS.

28.04.2022

Present: Sh. Sudhir Kumar Shokeen, Ld. Proxy Counsel for plaintiff.

Sh. Vinay Sethi, Ld. Proxy Counsel for defendant no. 1 to 11.

Sh. Kuldeep Sharma, Ld. Counsel for defendant no. 12.

An application moved on behalf of defendant no. 12 u/o 9 rule 13 r/w Section 151 CPC for setting aside the order dated 21.10.2021 is pending. There is no decree passed in the order which is liable to be set aside as per Order 9 rule 13 CPC, however application is considered under relevant provision i.e. Order 9 rule 7 CPC and considering that defendant no. 12 was proceeded ex parte on 21.10.2021 and that no effective hearing occurred in his absence on 30.11.2021 and later on, he is allowed to join the proceedings of the suit further, the application is disposed off accordingly.

Affidavit of plaintiff is filed for his evidence. Copy is supplied to Ld. Counsels for opposite parties.

Another application is moved on behalf of plaintiff u/s 151 CPC for placing on file the list of witnesses with submissions that

the same could not be filed in time as defendant no. 1 to 11 have not filed any written statement and defendant no. 12 was proceeded ex parte. Considering the facts avoiding any technicalities so that matter may be adjudicated on the merits, list of witnesses filed by plaintiff is taken on file.

Ld. Counsel for defendant no. 12 submits that he wants to go through the affidavit of witness for his cross examination and prays for a date.

As prayed, put up for cross examination of plaintiff for **28.09.2022.**

Other witnesses of plaintiff be also summoned on taking appropriate steps.

(SUNIL CHAUDHARY)
ADJ-04/North-West
RHC/Delhi 28.04.2022