

BIMLESH Vs. SUBHASH KAUSHIK AND ORS

18.11.2022

Present : None for plaintiff except proxy Mr. Rajesh Kumar, for Sh. R.L.Sharma Advocate with plaintiff.
Mr. Yogender Singh Rohilla, Counsel for defendants No.1&3 with defendant No.1 in person.
Mr. D.P.S.Tomar, Counsel for defendant No.2.

Ld. Counsel for defendants No.1&3 states that his vakalatnama has already been filed on record.

Proxy counsel for plaintiff states that main counsel Mr. R.L.Sharma is unavailable as he is busy in Hon'ble Delhi High Court in a quashing petition titled Vipin Gupta v. State and seeks an adjournment.

Counsel for D-2 states that he does not wish to file reply to the amendment application and will straightway argue thereupon. No reply filed by remaining defendants to the application under Order 6 rule 17 CPC dated 25.10.2021 despite directions. No one has appeared for plaintiff except proxy. No good grounds shown. In such circumstances, the application filed under Order 6 rule 17 CPC be put up in abeyance.

Ld. Counsel for D-2 submits that suit for recovery having filed by defendant no.2 against plaintiff and defendant no.1 is pending before this court and is scheduled for 19.01.2023.

Counsel for defendant No.1&3 states that he has filed WS (mentioned as reply in its title) on 22.07.2022. Copy already supplied to plaintiff as stated by proxy counsel for plaintiff.

Another application under Order 1 rule 10(2) CPC dated 17.04.2021 during pandemic filed by D-2. Ld. Counsel for defendant No.2 states that similar application has been filed by D-2 again on 22.07.2022.

Copy already supplied to plaintiff as stated by proxy counsel for plaintiff. No reply to this application filed by plaintiff. Proxy counsel for plaintiff seeks an adjournment for arguments on his application.

Reply, if any, to the application U/o 1 rule 9&10(2) CPC of D-2 be filed within four weeks on record and supply copy thereof to opposite side.

List the matter for arguments on application U/o 1 rule 9&10(2) CPC of D-2 and appearance of both parties in person for their examination under Order 10 CPC on 19.01.2023.

(Ravinder Bedi)
Add District Judge-02/Shahdara
KKD Courts, Delhi: 18.11.2022