

04.09.2020

Present: Shri R. K. Singh, Ld. Counsel for plaintiff through VC.

Shri R. K. Chaudhary, Ld. Counsel for D-2 through VC.

None for other defendants.

D-5 is yet to be served.

This is the first date after lock down when this matter has been taken up through VC in compliance of office orders bearing nos. 26/DHC/2020 dated 30.07.2020; 322/RG/DHC/2020 dated 15.08.2020 of Hon'ble High Court; office order nos. 3755-3776/Judl./SHD/2020 dated 31.07.2020; 3894-3914/Judl./SHD/2020 dated 16.08.2020 of Ld. District & Sessions Judge, Shahdara and 4078-4097/Judl./SHD/2020 dated 29.08.2020 of Ld. District & Sessions Judge, Shahdara.

Ld. Counsel for plaintiff has submitted that D-1 has expired in this matter, however, he is not aware about the date of death and it is also submitted that details of LR of D-1 are not available with him. Ld. Counsel for plaintiff has sought sometime to move an appropriate application in this regard. He is at liberty to proceed as law.

Further, it has been submitted by the Ld. Counsel for plaintiff that an application u/o 39 rule 1 & 2 CPC is pending on record. However, only D-2 is present today through VC. D3 & 4 are not present despite service and D-5 yet to be served.

Reader of this court was directed to telephonically contact the Ld. Counsels for other defendants on record, however, only the contact detail of Ld. Counsel for D-3 is present on record apart from details of Ld. Counsel for D-2. Ld. Counsel for D-3 Shri Pradeep Katara has been telephonically contacted and he has intimated this court that he is not in a position join through VC today and has requested for address arguments on the pending application through physical

hearing.

However, the application is not being pursued today as D-5 is yet to be served in this matter. But, in the meantime, this being a suit for possession, preservation of suit the property is essential for proper adjudication of this matter. Accordingly, all the parties are directed to maintain status quo with regard to the ownership and possession of the suit property bearing no.1291, DDA Janta Flat, G.T. B. Enclave, Delhi-110093 till NDOH.

As D-5 is yet to be served, accordingly, issue summons of the suit and notice of the application to D-5 by way of Whatsapp/Email/Fax/ Registered AD on PF. PF to be furnished electronically.

The plaintiff/Ld. Counsel for plaintiff is directed to file an affidavit stating the mobile number along with email ID of defendant on the email ID of the court i.e. readeradj01shahdara@gmail.com. It is further directed that plaintiff/Ld. Counsel for plaintiff shall file an affidavit of proof of service along with certificate under section 65-B of Indian Evidence Act on the email ID of the court.

Put up for appearance of D-5 and arguments on the pending application
05.12.2020.

(Vineet Kumar)
Additional District Judge-01
SHD/KKD/Delhi/04.09.2020