

1 CS 818/23

MALKA Vs. RAJENDER KUMAR RAJDAN AND ANR

20.05.2024

At 10:06am

Present: Sh. Hari Shankar, Ld. Counsel for plaintiff.

Defendants are yet to be served.

Summons were issued upon defendants. Report filed. As per report, defendant no.1 and 2 are served through their son on 18.05.2024.

On 04.03.2024, summons issued upon defendants also received with the report “unserved” as the door of the given address was found lock.

Original speed post receipt along with tracking report filed. As per tracking report, defendants were served on 05.04.2024.

None has appeared on behalf of D-1 and D-2 despite service of summons.

In the interest of justice, one more opportunity is granted to defendants to file WS and affidavit of admission and denial of documents within 30 days from today with an advance copy to the plaintiff.

Upon receipt of WS and affidavit of admission and denial of documents, plaintiff is at liberty to file replication, if any and affidavit of admission and denial of documents, if required within 15 days thereafter with an advance copy to defendants.

(2)

Parties are directed to produce original documents and file proposed issues on or before the NDOH.

At this stage, Ld. counsel for plaintiff, on instructions submits that plaintiff does not want to press his application under Order XXXIX Rule 1 and 2 CPC and want to withdraw the same.

In view of the submissions, application under Order XXXIX Rule 1 and 2 CPC stands **dismissed as withdrawn**.

Application under Order XXXIX Rule 1 and 2 CPC is accordingly disposed off.

Put up for completion of pleadings, admission and denial of documents and framing of issues on **07.08.2024**.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
20.05.2024.