

24.09.2024

One of the regular Stenographer is on leave today.

Present : Sh. Hoshiyar Singh Ld. Counsel for plaintiff.
Sh. Ankur Kumar Ld. Counsel for D-4 with D4
(opportunity to file WS closed vide order dt. 07.05.2024).
None for D1, D5, D7 **(already ex-parte vide order dt. 26.02.2024).**
None for D3 **(opportunity to file WS closed vide order dt. 07.05.2024).**
D2 in person.

Summons issued to D2 not received back.

Since D2 has appeared without issuance of summons, therefore, the proceeding qua service of D2 is hereby dispensed with. **D2 is directed to file WS within stipulated period from today and an advance copy of the same be supplied to the opposite party against proper receipt.**

Perusal of record shows that fresh address of D6 has not been filed. **Plaintiff is again directed to provide fresh and correct address of D6 within 10 working days from today, subsequent to which summons be issued to D-6 on PF/RC, returnable for NDOH.**

At this stage, Ld. Counsel for D4 has pressed his application u/o 8 R 1 r/w S. 151 CPC seeking condonation of delay in filing WS.

Ld. Counsel for the plaintiff submitted that he has no objection and the same may be allowed subject to imposition

of heavy cost.

Submissions heard. Record perused.

Keeping in view the aforesaid facts and circumstances, reasons mentioned in the aforesaid application as well as on the basis of submissions made by the Ld. Counsel for D-4 and the no objection given by the Ld. Counsel for plaintiff and considering that it is well settled that the cases should be decided on merits, rather than on technicalities and considering that the matter is at initial stage and the issues are yet to be framed, the application u/o 8 R 1 r/w S. 151 CPC of D4 is disposed off as allowed, subject to imposition of cost of Rs. 10,000/- to be paid by the D4 to the plaintiff on NDOH. Delay in filing the WS of D4 is hereby condoned and the WS of D4 is taken on record.

Matter is adjourned.

Matter be listed for payment of cost, appearance of D6, completion of pleadings and for reply as well as arguments on application u/o 7 R 11 CPC of D-4 on 28.01.2025. NDOH is given as per convenience of the Ld. Counsels for the parties.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/24.09.2024