

03.09.2024

Present : Sh. Vikram Singh Bhatia, Ld. Counsel for appellant through VC.
Sh. Pradyumna Singh, Ld. Counsel for R-1.
None for R-2.

Today, matter is listed for arguments on application u/o 6 Rule 17 r/w S. 151 CPC of appellant.

At this stage, Ld. Counsel for R-1 has pointed out that an application u/o 41 R 10 CPC is also pending adjudication.

Perusal of record shows that vide order dt. 13.10.2023, the copy of the said application as well as the reply to the appeal filed by R-1 has already been supplied to the appellant. However, during the course of hearing, Ld. Counsel for appellant submitted that he has misplaced the said copy of the application and reply and due to which he could not file any reply to aforesaid application and has further requested for supply of another copy of the said application as well as copy of reply to the appeal. Ld. Counsel for appellant is directed to collect the copy of aforesaid application and reply to the appeal from the Ld. Counsel for R-1 within three days from today. The Ld. Counsel for the R-1 undertakes to supply the aforesaid copies to the Ld. Counsel for appellant as directed by the court. It is made clear herein that no further adjournment shall be granted on this ground.

At this stage, Ld. Counsel for R-1 has filed reply to

the application u/o 6 R 17 r/w S. 151 CPC a/w its additional copy. Additional copy be supplied to the appellant / Ld. Counsel on appearance.

During the course of hearing, Ld. counsel for R-1 submits that he has no objection in the application u/o 6 R 17 r/w S. 151 CPC and the same may be allowed, subject to imposition of cost.

Submissions heard. Record perused.

In view of the reasons mentioned in the aforesaid application as well as on the basis of submissions made by the Ld. Counsel for R-1, also in view of the fact that amendments sought are formal in nature and the same is not opposed by the Ld. Counsel for R-1. Therefore, no prejudice shall be caused to anyone in case the application u/o 6 R 17 r/w S. 151 CPC is allowed. Accordingly, the application u/o 6 R 17 r/w S. 151 CPC is disposed off as allowed, subject to cost of Rs. 1000/- to be paid by appellant to the respondent no. 1. Amended appeal be taken on record.

Matter be listed for arguments on appeal as well as on pending applications on 22.10.2024.

I.O. to continue till NDOH.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/03.09.2024