

24.05.2025

Present : Sh. Pradeep Kumar Shukla Ld. LAC for plaintiff with plaintiff.
Md. Iqbal Ld. Counsel for D1 and D2 with D2.
None for D3 to D5.
(opportunity to file WS of D1 to D3 and D5 closed on 03.07.2024).

Today, matter is listed for appearance of D4 and reply and arguments on application u/s 151 CPC filed by D1 and D2.

Reply filed on behalf of plaintiff on 04.02.2025.
Same be taken on record. Copy already supplied.

Perusal of record shows that steps not taken by the plaintiff qua service of D4 in compliance of order dated 28.09.2024.

Plaintiff is again directed to comply with the said directions for NDOH.

By way of aforesaid application, D1 and D2 are seeking setting aside of order dated 03.07.2024, whereby their right to file WS was struck off and to take their WS on record.

At this stage, Ld. LAC for plaintiff submits that he has no objection to the aforesaid application filed by D1 and D2 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 D1 and D2, also the no objection given by the Ld. LAC for plaintiff, also considering that it is well settled that the cases should be decided on merits, rather than on technicalities, also considering the fact that the present suit is at initial stage and issues are yet to be framed, **the aforesaid application is disposed of as allowed, subject to imposition of cost of Rs. 1500/- each to be paid by the D1 and D2 to the plaintiff.**

Ld. Counsel for D1 and D2 undertakes to pay the aforesaid cost on NDOH to the plaintiff. Heard.

Order dated 03.07.2024, to the extent that right to file WS of D1 and D2 only is hereby recalled and the delay in filing their WS shall be condoned and the same shall be taken on record, subject to payment of aforesaid cost.

At this stage, Ld. LAC for plaintiff seeks time to file replication to the WS of D1 and D2. Heard. Upon receipt of WS, replication, if any, be filed within four weeks with advance copy to the opposite party.

Perusal of record shows that an application u/o 33 R 1 CPC is pending adjudication.

Matter be listed for payment of cost and consideration on application u/o 33 R 1 CPC on 24.09.2025. Interim Order to continue till NDOH.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/24.05.2025_(ch)