

24.12.2021

Present : Sh. Digvijay Singh, ld. counsel for counter claimant a/w counter claimant.
Sh. Madan Lal, ld. counsel for D1, D2 & D3 a/w D1 & D2.
Sh. B.D. Sharma, ld. counsel for D5 to D7.
Sh. R.L. Sharma, ld. counsel for D8 to D10.
Sh. Yashveer Thakur, ld. counsel for D11.
Sh. C.M. Grover, ld. counsel for D12.

Ld. counsel for counter claimant has submitted that WS on behalf of R1 to R3 has been filed belatedly without any application for condonation of delay.

Ld. counsel for D1 to D3 have sought some time to move an appropriate application in this regard. D1 to D3 are at liberty to proceed as per law.

D4 & D12 have not filed WS so far. The said defendants are at liberty to proceed as per law.

Perusal of the record reveals that WS filed on behalf of D5 to D7 and D11 are supported by an application for condonation of delay with delay of 56 days and 30 days respectively.

Submissions heard. Record perused.

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During the course of submissions, ld. counsel for counter claimant has submitted that he has no objection in case the present application is allowed, however, subject to reasonable costs. In view of the above submission as well as for the reasons mentioned in the application, the same stands disposed of as allowed subject to cost of Rs.2000/- and cost of Rs.1500/- respectively. Cost of Rs.2000/- has been paid on behalf of D5 to D7 and cost has not been paid on behalf of D11. The same be paid on NDOH. WS filed by D5 to D7 is taken on record.

Counter claimant is at liberty to file replication, if any, with advance copy to other side. Counter claimant is also at liberty to file replication, if any, in response to WS filed on behalf of D8 to D10 with advance copy to other side.

Ld. counsel for D5 to D7 have pointed out that there is an application u/o 7 R 11 CPC which has been filed on behalf of D5 to D7. Counter claimant is directed to file reply, if any, to the said application with advance copy to other side.

Application u/o 32 R 3 CPC qua minors D3, D9 & D10 is also pending on record. By virtue of said application, appointment of D1 as guardian at litem for D3 has been sought and appointment of D8 as guardian at litem for D9 & D10 has been sought. Ld. counsel appearing for D1 & D8 has no

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objection in case the application is allowed. In view of the above submission as well as for the reasons mentioned in the application, the same stands disposed of as allowed. Let D1 & D8 be appointed as guardian ad litem of D3, D9 & D10.

Amended memo of parties be filed on or before NDOH.

Put up this matter for aforesaid purposes/FP a/w connected matter on 18.01.2022 at 2 pm.

(Vineet Kumar)
Additional District Judge-01
SHD/KKD/Delhi/24.12.2021