

7 CS 1106/18
ROHTASH Vs. RAM NIWAS

28.03.2024

At 10:27am

Present: Sh. Vikas Kumar, Ld. proxy counsel for Sh. Trilok Chand, Ld. Counsel for the plaintiff along with plaintiff in person.
Sh. Sunil Kumar, Ld. Counsel for the D-1 through VC.
D-1 in person.
None for D-2.

Reply on behalf of D-2/EDMC to the application under Order XXXIX Rule 2A CPC filed on 19.02.2024. Copy already been supplied.

An application under Order XXIII Rule 1 r/w Section 151 CPC, affidavit of admission and denial of documents, reply to the application u/s 151 CPC and reply to the the application under Order XXXIX Rule 2A CPC and Section 11 and 12 of Contempt of Court Act and application u/s 151 CPC, filed on behalf of D-1 on 27.03.2024.

It is submitted by the Ld. Counsel for the defendant no.1 that the application under Order XXIII Rule 1 r/w Section 151 CPC be treated as application under Order XIII Rule 1 CPC. It is further submitted that inadvertently wrong provision has been mentioned in the said application.

D-1 is directed to supply copy of the application, affidavit of admission and denial of documents and aforesaid

(2)

replies to the applications to the plaintiff during the course day under due acknowledgment.

It is jointly submitted that the application u/s 151 CPC filed by the plaintiff for changing the date of hearing has become infructuous. It is further requested that the same be disposed off.

In view of the submissions and considering the facts and circumstances of the case, the application u/s 151 CPC dated 14.12.2023 is hereby **dismissed as infructuous**.

Application u/s 151 CPC is accordingly disposed off.

Plaintiff is directed to file the affidavit of admission and denial of documents and reply to the application under Order XIII Rule 1 CPC within 15 days from today with an advance copy to the defendant no.1.

Parties are directed to produce original documents on the NDOH.

Parties are also directed to file the proposed issues on the NDOH.

Put up for compliance, admission, denial of documents and reply and arguments on all the pending applications on **27.05.2024**.

(Deepanker Mohan)
Additional District Judge-04
Shahdara District/KKD Courts/Delhi
28.03.2024