

CS 628/21

SUMAN JAIN Vs. NARAIN DASS JAIN AND ORS

28.10.2024

At 12:53pm

Present: Sh. Aditya Jain and Sh. Kshitiz Ahuja, Ld. counsels for plaintiff.
Sh. Anand Kumar, Ld. counsel for D-1, D-3 to D-5
(D-1 stated to be expired on 19.02.2024).
None for D-2 **(already exparte vide order dated 10.05.2023).**

Matter is listed for arguments on the application under Order XXXIX Rule 1 and 2 CPC, reply and arguments on the application U/s 151 CPC and application under Order I Rule 10(2) CPC.

Affidavit on behalf of plaintiff U/s 65B IEA for service of summons to defendant along with summons qua D-4 filed on 27.10.2024. As per report, same has been duly served.

Reply to the application U/s 151 CPC to implead LR's of defendant filed on behalf of D-3. Copy supplied.

Affidavit of admission and denial of documents filed on behalf of D-3. Copy supplied.

Plaintiff has not filed amended memo of parties despite directions.

In the interest of justice, plaintiff is directed to file amended memo of parties within 07 days from today with an advance copy to opposite side.

(2)

Ld. Counsel for D-3 to D-5 submits that the application under Section 151 has been filed under wrong provision. He further submits that the said application is also defective as the plaintiff has not sought clear relief in the application.

Ld. Counsel for plaintiff, on instructions submits that he will file afresh application under correct provision seeking clear relief. Let the same be filed within 07 days from today with an advance copy to Ld. counsel for D-1 and D-3 to D-5.

Put up for compliance, arguments on the application under Order XXXIX Rule 1 and 2 CPC and arguments on the application under Order I Rule 10(2) CPC on **23.11.2024**.

Date is given as per the convenience of Ld. counsels.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
28.10.2024