

11.08.2023

Present: Plaintiff with counsel Sh. R. L. Mishra.

None for defendant no.1.

Sh. Vishal Singh, counsel for defendant no.2 **through VC.**

Plaintiff has deposited the court fee and at the same time he has withdrawn the suit under Order XXXIII Rule 1 CPC. He has submitted that suit be considered as an ordinary suit.

Written statement was filed on the last date of hearing alongwith application for condonation. Reply to the same has been filed. However, it is observed that without proper application for recalling of previous orders regarding closing of right to file the written statement, no such application for condonation can be heard.

Time sought by counsel for defendant no.2 for moving appropriate application failing which suit shall proceed as per procedure laid down by law.

Meanwhile, issue fresh summons to defendant no.1 on filing of PF, through all modes as well as through affixation and plaintiff is at liberty to accompany the process server at the time of service.

Put up for further proceedings on 07.11.2023.

(Purva Sareen)
ADJ-01, South District
Saket Court, New Delhi
11.08.2023