

PC No. 10/17

Lalit Kumar Gupta Vs. State & Ors.

14.09.2017 (10:17 a.m.)

Present :- Petitioner in person, with Ld. Proxy Counsel, Sh. Gagan Singla.

Respondent No. 1 is State in this matter.

Respondents 4 & 5 in person, with Ld. Counsel, Sh. Jai Prakash, who has filed his vakalatnama today on behalf of these respondents and seeks time to file reply/objections, in rebuttal to this petition within one month from today. Let such reply/objections be filed positively within one month from today by supplying advance copy of the same to petitioner side at least five days before filing the same before this Court. At this stage, copy of amended memo of parties filed before this Court on 26.07.2017 of which copy supplied to Ld. Counsel for respondents 4 and 5. Ld. Counsel for respondents 4 & 5 submitted that without filing an application u/o 6 Rule 17 CPC, the petitioner side was not entitled for filing amended memo of parties and that due to not filing the same, such amended memo of parties cannot be taken on record at this stage. This submission to this extent found justified. As prayed for by Ld. Proxy Counsel for petitioner, let appropriate application be filed within one month from today, by supplying advance copy of the same to Ld. Counsel for respondents 4 and 5 at least five days before filing the same before this Court and such application would be decided on merits in future as and when so filed and if allowed in future, the amended memo of parties on record would be taken on record. As per previous order dt. 02.06.2017, objections/no objections, as the case may be, were to be filed on behalf of other served respondents 10 to 12. However, none present on their behalf by this time despite several calls given since morning. One last and final opportunity is

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given to them for filing the same, if so desired, within one month from today by supplying advance copy of the same to petitioner side at least five days before filing the same before this Court. PF not filed for services for remaining respondents. At this stage, it is submitted by Ld. Proxy Counsel for petitioner that an application was filed on 26.07.2017 on behalf of petitioner u/s 5 of Limitation Act, seeking condonation of delay in filing such PF in time. Heard and perused the file for this purpose. In the interest of justice, this application is allowed but with a condition that PF & RC be filed for services of unserved/other respondents positively within ten days from today so that fresh notices of this petition be issued to them for 02.02.2018 for 10.00 a.m. To come up for further proceedings also as per law on next date.

(Dr. Shahabuddin)

ADJ-II (N/W):Rohini:Delhi:14.09.2017