

20.01.2025

Case received by way of transfer from the Court of Sh. Harvinder Singh Johal, Ld. DJ-02 & Wakf Tribunal, NDD, PHC pursuant to Office Order No.31331-31343/Judl//NDD/PHC/ND dated 07.11.2024 of the Ld. Principal District & Sessions Judge, New Delhi District, Patiala House Courts, New Delhi. It be checked and registered.

Present: Sh. Kamal Arora, son and attorney of the plaintiff.
Sh. Vijay Joshi. Counsel for the defendant no. 1 & 2.
(*Vakalatnama filed on 07.09.2024*).
Mr. Joshi submits that he will also file his Vakalatnama for LRs of deceased defendant no. 3.
Defendant no. 4, 6, 8, 9 & 17 are ex-parte vide order dated 24.07.2018.
None for defendant no. 5.
None for defendant no. 10 to 14.
Defendant no. 7, 15 & 16 are not served yet.

An application under Order 9 Rule 13 CPC moved by the defendant, though it should have been filed under Order 9 Rule 7 CPC seeking setting aside the order dated 12.03.2020, whereby they were proceeded ex-parte, is pending disposal. The attorney of the plaintiff submits that he has no objection if the application is allowed. In view of the same, the application is allowed. Consequently, WS filed by the defendant no. 1 & 2 on

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29.11.2021 is taken on record. The application under Section 5 of Limitation Act seeking condonation of delay in filing WS is also allowed. The plaintiff has already filed replication to WS of defendant no. 1 & 2.

The plaintiff has placed on record the tracking report showing service of summons of the suit upon the defendant no. 7, 15 & 16. It shows that the said defendants have been served.

It is informed by the attorney of the plaintiff that the defendant no. 5 has also expired recently. Let the plaintiff take necessary steps for substitution of LR of defendant no. 5.

Case is adjourned for taking steps for substitution of LR of defendant no. 5, filing of Vakalatnama qua LR of deceased defendant no. 3, appearance of the remaining defendants, reply, if any, to the application under Order 22 Rule 4 CPC and for arguments and disposal of pending applications for 17.04.2025.

(Balwant Rai Bansal)
District Judge-05, NDD,
PHC/ND/20.01.2025