



\$~5

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+CS(OS) 61/2021

HARISH GUPTA

..... Plaintiff

Through: Mr. Charan Garg, Adv.

versus

PRADEEP GUPTA & ANR.

..... Defendants

Through: Mr. Munish Gupta, Adv.
for D-1 along with D-1 in
person

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER NAIN
(DHJS)**

ORDER

%

13.01.2023

IA No. 11688/2019

It is submitted by counsel appearing on behalf of defendant no.1 that he has not received copy of CD till date. Counsel for plaintiff undertakes to supply the same within ten days.

List for consideration on the above mentioned application on the next date of hearing.

IA No. 11222/2020 and IA No. 364/2021

It is submitted by counsel for plaintiff that he does not wish to file rejoinder to the above mentioned applications. Pleadings are complete. It is submitted by counsel for defendant no.1 that technically the IA No.12716/2022 filed u/O VI R-17 r/w section 151 CPC be decided first. It is further submitted by counsel for defendant no.1 that on the last date of hearing, by inadvertent mistake, his appearance was marked on behalf of both the defendants. However he is appearing on behalf of defendant no.1



only.

Further oral Request to waive of the cost imposed vide order dated 04.11.2022 is made by counsel for defendant no.1 on the ground that the present matter was received by way of transfer for the first time on 27.07.2022 and next date of hearing was 04.11.2022. Prior to last date of hearing i.e. 04.11.2022, amendment application was moved on behalf of plaintiff which was listed for the first time on 16.08.2022 and notice was issued to him as he was not present on that date. So from the fresh development in the present case, I was under the impression that on 04.11.2022, only notices be accepted for IA No. 12716/2022 and time will be granted to file the reply to the said application. Oral reply is given by counsel for plaintiff also.

In reply to this, it is submitted by counsel for plaintiff that vide order dated 13.05.2022, both the IAs i.e. IA No. 11222/2020 and IA No. 364/2022 were filed for arguments. However learned counsel for defendant no.1 sought adjournment on the ground that main counsel is not available and it is further submitted that on 04.11.2022, adjournment was sought on behalf of defendant no.1 on the ground that he was busy in Rohini Court in an urgent matter. However considering the submissions that there was some fresh development in the present matter after filing IA no. 12716/2022 filed u/O VI R.17 r/w section 151 CPC, considering the submission of counsel for defendant no.1 that technically same application should be decided first, considering that the stage of case changes to some extent due to filing of fresh application, the cost imposed vide order dated 04.11.2022 is hereby waived of.

IA No. 12716/2022

Part arguments on IA No. 12716/2022 heard.



List for further arguments on 15.01.2023.

IA No. 11222/2020 and IA No. 364/2021 will be considered for arguments on the next date of hearing.

**DEVENDER NAIN (DHJS),
JOINT REGISTRAR (JUDICIAL)**

JANUARY 13, 2023/cd