



2026:DHC:619

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

+ **CS(OS) 73/2019**

SH. DEEPAK TARA Plaintiff

Through: Mr. R.K.Bhardwaj, Adv.
along with plaintiff in
person

versus

SH. BAIJ NATH TARA & ORS. Defendants

Through: Mr. Rajat Aneja and Mr.
Rishabh Jain, Advs. for D-
2, 3 & 4

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. SHUCHI
LALER (DHJS)

% **ORDER**
02.05.2024

IA No. 1728/2019 u/O XXXIX R.1 & 2 CPC

1. Reply has not been filed by any of the defendants. Learned counsel for defendant no.3 had submitted on 06.12.2023 that his written statement be read as reply to the captioned IA. The opportunity of defendant no.1, 2 (a) to (d), and 4 to file reply was closed. Defendant no.5 has not been served.

2. Re-notify for completion of pleadings on the next date.

IA No. 17387/2019 u/O VII Rule 11 r/w section 151
CPC by defendant no.4

3. Reply of plaintiff is on record. Rejoinder has not been filed. The right of defendant no.4 to file rejoinder is closed. Pleadings are complete.



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4. The right of defendant no.1, 2 (a) to (d), 4 and 6 to file written statement was closed by the learned predecessor on 17.07.2019.

5. Learned counsel for defendant nos.2, 3 and 4 had submitted on 06.12.2023 that the Chamber Appeal against the said order has also been dismissed, however he has preferred F.A.O. (OS) which is pending.

6. Written statement of defendant no.3 is on record. Replication has not been filed. Same be filed in accordance with the provisions of law.

7. As per office note, list of documents filed on behalf of defendant no.3, applications e-filed have been returned under objections. Objections be removed and same be placed on record.

8. Steps not taken for service of defendant no.5. Learned counsel for plaintiff submits that in the FAO (OS) 69/2023, learned counsel for appellant (defendant nos. 2 & 4 herein) had submitted that a Power of Attorney has been issued by defendant no. 5/M/s. Shama Bengtson in favour of defendant no.4 Mr. Pradeep Tara. He urges that in view of aforesaid submission, service of summons upon defendant no.5 be dispensed with and learned counsel Mr. Rajat Aneja shall also represent defendant no.5 in the present suit.

9. Learned counsel Mr. Rajat Aneja submits that he will take necessary instructions from defendant no.5 in this regard.

10. On procuring the requisite instructions, vakalatnama on behalf of defendant no.5 be filed within two weeks.



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11. Copy of complete paper book be supplied to learned counsel for defendant nos.2 & 4 for defendant no.5 within two weeks of his filing the vakalatnama against acknowledgment.
12. Written statement on behalf of defendant no.5, if any, be filed in accordance with the provisions of law. Replication be filed as per law.
13. Joint document schedule be filed at least two weeks prior to the next date of hearing. Hard copy of the documents, if not already filed, be filed within three weeks. Parties shall produce the original documents on the next date.
14. Re-notify the matter for completion of pleadings and admission/denial of documents on 19.09.2024.

**SHUCHI LALER (DHJS),
JOINT REGISTRAR (JUDICIAL)**

MAY 2, 2024/cd

[Click here to check corrigendum, if any](#)