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

+ CS(OS) 133/2020, I.A. 6412/2020, I.A. 6414/2020, I.A. 4167/2020

ENERGY EFFICIENCY SERVICES LTD. & ANR.Plaintiff

Through: Mr. Vijay Nair and Ms. Pallavi Tayal
Chadda, Advs (Through VC)

versus

AVINASH KUMAR & ORS.Defendant

Through: Mr. Vikash Kumar, Adv. for D-1
Mr. Rakesh Pandey, Adv. for D-2 and D-4
Ms. Kopal Tiwari, Adv. for D-6 (Through
VC)

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

% **24.10.2024**

Matter is taken up through physical hearing as well as video conferencing.

CS(OS) 133/2020

Ld. Counsel for defendant no.1 has pointed out that plaintiff was directed by the Hon'ble Court vide order dated 28.05.2020 to file the necessary Court fees within 72 hours from date of resumption of regular functioning of the Court but till date, Court fees has not been filed by plaintiff and very long delay has been caused in filing the court fees.

Ld. Counsel for plaintiff undertakes to deposit the Court Fees with the Registry within one week with application for condonation of delay.



Perusal of PDF record of the case reveals that Written Statement of defendants no. 1 and 6 is lying in the PDF record. Right of plaintiff to file Replication to the Written Statement of defendants no. 1 and 6 was closed by the Ld. Predecessor vide Order dated 20.11.2023.

Perusal of file noting as well as PDF record further reveals that Written Statement was never filed by defendants no.2,3 and 4. Ld. Counsel for defendants no. 2 and 4 has stated that defendant no.3 has already expired and defendant no.2 and 4 do not wish to file Written Statement. **Pleadings are complete qua defendants no. 1,2, 4 and 6.**

Ld. Counsel for plaintiff has stated that he has received the details of only one LR i.e. wife of defendant no.6 from the Ld. Counsel for defendant no. 2 and 4 by way of e-mail and he will move appropriate application u/O XXII CPC for substitution of LRs of deceased defendant no.3 within two weeks. Advance copy be supplied to opposite parties.

Perusal of previous file notings reveals that defendant no.5 has not been served with summons and summons had remained unserved.

At request, fresh summons be issued to defendant no.5 at the given address on filing of PF within 7 days by all permissible modes including electronic mode and Dasti. Affidavit of service be filed before next date of hearing.

I.A. 6412/2020 (Application u/O VII Rule 11 CPC filed by defendants no. 2 to 4)

I.A. 6414/2020 (Application u/O VII Rule 10 CPC filed by defendants no. 2 to 4)

Reply of plaintiff is already on record. Rejoinder has not been filed by defendants no. 2 and 4 till date. Ld. Counsel for defendants no. 2 and 4 do not wish to file Rejoinder. **Pleadings are complete.**



I.A. 4167/2020 (Application u/O XXXIX Rule 1 and 2 CPC filed by plaintiff)

Reply has been filed by defendants no.1,2,3,4 and 6. Ld. Counsel for plaintiff has already filed Rejoinder to the Reply of defendants no.1 and 2 to 4. Rejoinder has not been filed to the Reply of defendant no.6. Right of plaintiff to file Rejoinder to Reply of defendant no.6 stands closed.
Pleadings are complete qua defendants no. 1,2,3,4,and 6.

At request, matter be placed before Hon'ble Court for further directions on 28.11.2024.

**TYAGITA SINGH, (DHJS),
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 24, 2024/sm