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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 397/2021 and IA No. 10727/2021 (u/O 39 Rules 1 and 2 CPC)
MAXIMUM OUTFITS PRIVATE LIMITED Plaintiff

Through: Mr. Animesh Rastogi, Ms. Neha Rastogi and Mr. Santosh, Advocates appeared physically

versus

PREETA SAGAR AND OTHERS Defendants

Through: Mr. Sushant Kumar and Ms. Shikha Singh, Advocates for Defendant nos. 1,2,3,16,17,18 and 19 appeared physically
Mr. Rajender Kumar, proxy counsel for defendant no.5 and LRs of deceased defendant nos. 4 and 10 appeared physically (M: 9810070256)
Mr. Raj Garuav, Advocate for Defendant nos. 6 and 7 appeared through VC (M: 9711960029)

CORAM:

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

ORDER

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21.11.2022

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

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Learned counsel for defendant nos. 1,2,3,16,17,18 and 19 has stated that he does not want to contest the suit and he will file short-affidavit on behalf of the said defendants within two weeks. He has stated that he has already filed vakalantama on behalf of these defendants on record.

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Learned counsel for the plaintiff has stated that only defendant nos. 4 and 5 have filed written statement till date and other defendants have not filed any pleadings till date.

IA No. 13475/2022 (application filed by the plaintiff u/O 22 Rule 4 r/w Section 151 CPC for substitution of legal heirs of deceased defendant nos. 4,8 and 10)

Learned counsel for the plaintiff has stated that he has filed affidavit of service on record according to which all the LRs of deceased defendant nos. 4,8 and 10 have been served notice of the application except LR Sh. Rajesh Dhamija of deceased defendant no.8, whose house was found locked, despite repeated visits by the Postman.

Plaintiff is directed to serve fresh notice to LR Sh. Rajesh Dhamija of deceased defendant no.8 on filing of PF by all permissible modes including electronic mode. Affidavit of service be filed atleast one week before the next date of hearing.

Learned counsel for defendant no.5 and LRs of deceased defendant nos. 4 and 10 has stated that he is representing all LRs of deceased defendant nos. 4 and 10 and he requires some more time to file reply.

Let reply be filed within four weeks with advance copy to the opposite parties.

Put up for arguments on the application on 28th February, 2023.

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

NOVEMBER 21, 2022

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