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

+ **CS(OS) 417/2022 & I.A. 10455/2024, O.A. 86/2024**

RAJ PAL JAIN

..... Plaintiff

Through: Mr. Rishi K. Awasthi, Mr. Piyush Vatsa, Mr. Avinash Ankit & Mr. Rahul Kumar Gupta, Advs. (M: 9891920235)

versus

VED PRAKASH JAIN

..... Defendant

Through: Mr. Akshit Sachdeva, Adv. with Ms. Snigdha Sharma, Adv. for D-1 & D-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **08.05.2024**

1. This hearing has been done through hybrid mode.

O.A. 86/2024 , I.A. 10455/2024 (for delay) in CS(OS)-417/2022

2. This is an O.A. filed on behalf of legal heirs of the Plaintiff seeking to challenge the order dated 3rd April, 2024 (*hereinafter, 'impugned order'*)

3. An application being **I.A. 10455/2024** is also filed on behalf of the Plaintiff seeking condonation of delay in refiling the present appeal.

4. The grievance of the applicant Plaintiff is that the ld. Joint Registrar in paragraph 4 of the order issued notice to the legal heirs of Defendant No.5 whereas the notice ought to have been issued to the legal heirs of Defendant No.6-Late Sh. Darshan Jain.

5. The entire matter has been confused by ld. Counsel for the Plaintiff inasmuch as this appeal arises out of an application being **I.A. 7373/2024** in



which the Plaintiff prayed as under:

*“a) Allow the present application filed by the Plaintiff and **take on record the amended memo of parties** filed herewith the present application;
b) Pass any other order as this Hon'ble Court may deem fit and proper for the just adjudication of the case”*

6. This prayer in **I.A. 7373/2024** was considered by the Court and subsequently, on 15th April, 2024 the Court allowed the amended memo of parties to be taken on record which categorically lists the legal heirs of Late Sh. Darshan Jain as Defendant No. 6. The following order was passed:

***“I.A.7373/2024 (for filing amended memo of parties)**
2. This is an application filed by the Plaintiff to bring on record the correct address of the Defendants by way of the amended memo of parties. For the reasons stated, the application is allowed. Amended memo of parties with the correct address is taken on record. Let the amended memo of parties attached with this application be moved to the pleadings folder.
3. Application is disposed of.”*

7. The issue appears to be that apart from Defendant Nos.1 and 2, the other parties in this matter have not been served. Accordingly, in the suit, let summons be issued to all the unserved Defendants i.e., Defendant Nos. 3 to 7 for the next dates of hearing. Summons may be taken *dasti* as well.

8. The O.A. along with the application is disposed of.

CS(OS)-417/2022

9. List before the Joint Registrar on 19th July, 2024 i.e., the date already fixed.



10. List before Court on 26th July, 2024 i.e. the date already fixed.

MAY 8, 2024
dj/rks

PRATHIBA M. SINGH, J.