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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(OS) 426/2022
MASTER AARUSH MALHOTRA (MINOR) THROUGH
HIS NEXT FRIEND/NATURAL MOTHER
..... Plaintiff

Through: Mr. Khubaib Shakeel, Adv.

Versus

VINOD MALHOTRA & ORS. Defendants

Through: Ms. Vaishnavi Arora & Ms.
Harshita Sabharwal, Advs. for
D-3 (Mob.9999009339)

CORAM:
**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% **20.02.2024**

**IA No. 21551/2023 (on behalf of the plaintiff through
natural mother seeking to take off from record the W/S
of D-3)**

As per office note, reply filed by defendant no.3 vide diary no.459238 is lying under objections. Learned counsel for the defendant no.3 is directed to take requisite steps within two weeks to bring the same on record. It is stated by learned counsels for the plaintiff that he has not received copy of said reply, to which learned counsel for the defendant no.3 undertakes to supply the same within two days through email. Thereafter, rejoinder, if any, be filed by the plaintiff within two weeks with copy to the opposite side.

Re-notify the captioned IA for completion of pleadings on the next date of hearing.

**I.A. No.11465/2022 under Order XXXIX Rule 1&2
CPC moved by the plaintiff,**



I.A. No. 11466/2022 under Order XXVI Rule 9 CPC
moved by the plaintiff,
I.A. No. 11467/2022 under Order XXXII Rule 1 CPC
moved by the plaintiff and
I.A. No. 11469/2022 under Section 149 CPC, all IAs
moved by the plaintiff

The right of defendants i.e. D-1,2,4&6 to file reply to captioned IAs has already been ordered to be closed vide order dated 11.05.2023.

The order dated 01.09.2023 reflects that replies to the captioned IAs No.11465/2022 & 11466/2022 filed by the defendant no.3 were on record but replies to IA No.11467/2022 & 11469/2022 filed by defendant no.3 were lying under objections. The said replies to IA No.11467/2022 & 11469/2022 are also on record now. It is already stated by learned counsel for the plaintiff that he does not want to file rejoinder to the said replies to captioned applications as recorded in the order dated 14.12.2023. **Thus, pleadings qua all the captioned IAs are complete.**

The plaintiff is directed to pay previous cost of Rs.1500/- to the defendant no. 3 within two days.

Re-notify the captioned IAs for consideration on the next date of hearing.

CS (OS) 426/2022

The right of defendant no.1,2,4&6 to file Written Statement were ordered to be forfeited on the last date of hearing i.e. 21.03.2023.

It is stated by learned counsel for the plaintiff that he has already filed application seeking substituted service of defendant no.5 but fails to disclose the diary number. Learned counsel for the plaintiff further submits that he



has already deposited the previous cost of Rs.1000/- with Delhi High Court Legal Services Committee and has filed the proof of cost alongwith the said substituted application. The said application is also not on record. Learned counsel for the plaintiff is directed to take requisite steps within two weeks to bring said application on record as a last and final opportunity.

Re-notify the matter for completion of service qua defendant no.5/completion of pleadings/ further proceedings on 09.05.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 20, 2024/ab
[Click here to check corrigendum, if any](#)