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

+ **CS(OS) 392/2024**

RAJAT DILWALI

.....Plaintiff

Through: Mr. Raghav Kacker, Advocate
(Thorough VC)

versus

ALOK RAJESHWARNATH BHARGAVA

.....Defendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **06.08.2024**

I.A. 30922/2024 (for seeking clarification of order dated 14.05.2024)

1. This is an application filed by the plaintiff seeking clarification of the order dated 14.05.2024.
2. Learned counsel for the plaintiff states that the present suit has been filed under Order XXXVII Code of Civil Procedure, 1908 ('CPC') seeking recovery of sum of INR 4 crores from the defendant under Clause 8 of the settlement agreement dated 14.08.2023.
 - 2.1. He states that the present plaint was registered as a suit by this Court vide order dated 14.05.2024.
 - 2.2. He states, however, the order issuing summons does not contain a direction that the summons should be issued as per format provided under Order XXXVII Rule 2(3) of the CPC and therefore, the Registry has issued summons in the format of an ordinary suit.
 - 2.3. He states that since the suit is at initial stage, he seeks clarification of



the order dated 14.05.2024 and seeks fresh issuance of summons to the defendant as per the form under Order XXXVII Rule 2(2) CPC.

3. This Court has perused the plaint and the order dated 14.05.2024, the averments made by the plaintiff are borne out from the record. The suit has been filed under Order XXXVII CPC and this fact was also observed by the Court in its order dated 14.05.2024.

4. Accordingly, it is directed that let the present suit be registered as a summary suit and fresh summons be issued by the registry as per format provided under Order XXXVII Rule 2(2) CPC.

5. With the aforesaid directions, the application stands disposed of.

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6. Upon steps being taken by the plaintiff, issue fresh summons to the defendant through all modes as per format provided under Order XXXVII Rule 2(2) of CPC. Affidavit of service be filed within two (2) weeks.

7. List the matter before the Joint Registrar (J) for completion of service on 22.10.2024.

MANMEET PRITAM SINGH ARORA, J

AUGUST 6, 2024/rhc/sk