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

+ **CS(OS) 372/2020 & I.A.No.10975/2020 (under Order XXXIX Rule 1 & 2 CPC)**

SHRI VIJAY SETHI

.....Plaintiff

Through: Mr. Digvijay Singh, Adv.

versus

SHRI ANIL SETHI & ORS.

.....Defendant

Through: D-1 is yet to be served.
Mr. Rishi Bhatnagar & Mr. Mohan
Khullar, Advs. for D-2
None for D-3, 4 & 5.

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. JYOTI KLER (DHJS)

ORDER

% **09.04.2021**

Court hearing convened via video conferencing on account of Covid-19

1. Affidavit of service has been filed by the plaintiff according to which defendant no.4 & 5 have been served by way of e-mail and speed post respectively.
2. Summons qua the defendant no.1 not issued as PF was not filed by the plaintiff within time.
3. Learned counsel for the plaintiff submits that plaintiff has been hospitalised and it may not be possible to serve the defendant no.1 prior to the next date i.e. 27/04/2021 fixed before the Hon'ble Court.



4. In view of submissions, directions for issuance of fresh summons to the defendant no.1 are not given.
5. Vakalatnama and reply to the interim application has been filed by the defendant no.2.
6. Learned counsel for the defendant no.2 submits that the written statement was also filed but same has been returned under objection, and objections could not be cleared because he is in isolation as his daughter has been diagnosed with COVID-19. Let necessary steps be taken as per law to ensure that the written statement is brought on record well in time.
7. The remaining served defendants i.e. defendant no.3 to 5 may also file written statement and affidavit of admission/denial of the documents as per law.
8. Let the matter be placed before the Hon'ble Court for further directions on the date already fixed i.e. **27th April, 2021.**

APRIL 9, 2021/nk

**JYOTI KLER (DHJS)
JOINT REGISTRAR (JUDICIAL)**

[Click here to check corrigendum, if any](#)