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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 561/2022**
M/S NU-STORES PVT. LTD.

..... Plaintiff

Through: Mr. Deepak Singh, Adv. (Mobile
No.8698844628)

versus

M/S MARVELOUS EXPORTS PVT. LTD. & ORS.

..... Defendant

Through: Mr. Vineet Jhanji & Mr. Imran
Moulaey, Advs. for D-1

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. SHUCHI LALER,
(DHJS)

% **ORDER**
12.09.2022

I.A.No.14859/2022 (under Section 151 CPC for exemption from filing certified copies/translated/typed/clear copies of dim/illegible documents and less margin documents on behalf of plaintiff)

1. Heard.
2. The captioned IA is allowed subject to all just exceptions. Let certified copies/ translated/ typed/clear and legible documents with proper margin be filed within four weeks.
3. IA stands disposed off.

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4. This is a suit for partition. Let the plaint be registered as suit.



5. Learned counsel for defendant no.1 submits that the present suit is not maintainable on the face of it and in such circumstances, this court shall not be issuing summons. Learned counsel for plaintiff submits that the appropriate remedy for defendant no.1 is to file an application under Order VII Rule 11 CPC or for his deletion from the array of parties under Order I rule 10 (2) CPC and he insists that summons must be issued to the defendants.
6. Learned counsel for defendant no.1, *per contra* submits that prior to issuance of summons, the Court has to apply its mind and the summons shall not be issued in a routine and mechanical manner. He further submits that the plaint, in the instant matter, does not disclose a valid and subsisting cause of action and the suit is not maintainable in its present form. He further submits that the defendant no.1 has a right to be heard even prior to issuance of summons and seeks time to file judgments in support of his contentions.
7. At joint request, the case shall be taken up for arguments on **22nd September, 2022.**

SHUCHI LALER, (DHJS)
JOINT REGISTRAR (JUDICIAL)

SEPTEMBER 12, 2022/nk

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