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

+ **CS(OS) 583/2022 & I.As. 15337/2022, 17900/2022**

**DAKSH RANA (MINOR) THROUGH HIS
MOTHER**

..... Plaintiff

Through: Mr. Sanjay Rathi, Mr. Vikram
Singh Tokas, Mr. Ashish
Khatri, Mr. Bhanu Pratap Singh
and Mr. Deepak Khatri,
Advocates.
(9999721210, e-mail:
sanjayrathi @ gmail.com)

versus

BHUPINDER RANA & ORS.

..... Defendants

Through: Mr. Sameer Vashisht and Ms.
Sanjana Nangia, Advocates for
D-2 and D-3.
(8287936603)
Mr. Sharat Kapoor with
Advocate Anirudh Dusaj for
Virender Rana for D-4.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

03.11.2022

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[Physical Hearing/Hybrid Hearing]

**I.A. No. 17900/2022 (u/O VII Rule 11 (a) and (d) CPC read with
Section 151 CPC)**

1. This is an application on behalf of defendant no.2 under Order VII Rule 11 (a) & (d) and Section 151 CPC with a prayer for rejection of the plaint.
2. Issue notice to the non-applicants. Notice is accepted by the



learned counsels.

3. Let reply be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

4. List before Joint Registrar on 05.12.2022.

CS(OS) 583/2022

5. Registry of this Court has given a report stating that the court fee paid by the plaintiff is deficient to the extent of Rs. 9,76,912/-.

6. Learned counsel for plaintiff submits on the other hand that the calculation of court fees as given by the Registry is not correct. He submits that he wishes to file an affidavit along with the judgment, he wishes to rely upon in support of his submissions. Let the affidavit be filed within two weeks with respect to the court fees payable by the plaintiff.

7. Learned counsel appears on behalf of defendant no.4 and submits that he has put in appearance only on the basis of some vague information which he received from his relatives. Otherwise summons to him has not been served. He further points out that defendant no.4 is residing in Gurugram. Perusal of the memo of parties shows that defendant no.4 has been shown to be resident of Bijwasan, Delhi-110061.

8. Learned counsel for defendant no.4 submits that the correct address of the defendant no. 4 is as under:

Name:- Virender Rana

Address: L-16/8, DLF, Phase-2, Gurgaon, Haryana-122002.

(Name, phone numbers and email of advocates)

1. Anirudh Dusaj : 9871139344, email: anirudhdusaj@gmail.com

2. Shubh Kapoor : 9811059095.



9. The plaintiff is directed to file amended memo of parties showing the correct address of defendant no.4. Let copy of the plaint along with documents be supplied to defendant no.4 within a period of one week.
10. Defendant no.4 may file written statement within thirty days after receipt of the plaint and other documents from the plaintiff.
11. Learned counsel appearing on behalf of defendant nos. 2 and 3 submits that written statement on their behalf has already been filed. Let replication be filed within a period of two weeks by the plaintiff.
12. List before Joint Registrar on 05.12.2022.

MINI PUSHKARNA, J

NOVEMBER 3, 2022
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