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

+ **CS(OS) 632/2021**

**OM PRAKASH BATRA**

**..... Plaintiff**

Through: Mr. Bankim Garg and Mr. Shakaib Khan, Advocates appeared physically

versus

**MANOJ KUMAR BATRA & ORS.**

**..... Defendants**

Through: Mr. Anish Chawla and Mr. Pranav Gambhir, Advocates for Defendant nos. 1 and 2 appeared through VC  
Ms. Renuka Arora, Advocate for Defendant no.3 appeared through VC

**CORAM:**

**JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH,  
(DHJS)**

**ORDER**

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**19.09.2022**

*Matter is taken up through physical hearing as well as video conferencing.*

**IA No. 15753/2021 (application filed by the plaintiff u/O II Rule 2 CPC)**

Reply of defendant nos. 1 and 2 is already on record.

Rejoinder not filed by the plaintiff.

Learned counsel for defendant no.3 has stated that she does not wish to file reply.

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**IA No. 3322/2022 (application filed by defendant no.3 u/O XXXIX Rules 1 and 2 CPC seeking ad-interim stay against the defendant nos. 1 and 2 from creating any third-party rights in the suit property)**

Reply filed by defendant nos. 1 and 2. Copy supplied.

Learned counsel for defendant no.3 has stated that she has filed rejoinder vide Dy. No. 1580387 dated 18.09.2022. Copy supplied. However, it is not on record. Learned counsel for defendant no.3 is directed to get it placed on record within one week.

**CC No. 7/2022**

Plaintiff has filed written statement to the counter claim. Copy supplied. Replication be filed as per law with advance copy to the opposite parties.

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Written statement of defendant nos. 1 and 2 is on record.

Written statement not filed by defendant no.3 till date.

Defendant nos. 4 to 7 have not put up their appearance.

Perusal of the previous file noting and affidavit of service filed on record by the plaintiff reveals that service of defendant nos. 4 to 7 is not complete as no tracking reports of Speed Posts were filed on record by the plaintiff alongwith affidavit of service. As per Memo of Parties filed with the plaint, there is no contact number or e-mail ID of defendant nos. 4,5 and 7, hence, they cannot be stated to be served through electronic mode also. Hence, in the interest of justice, fresh summons be issued to defendant nos. 4 to 7 on filing of PF within seven days, by all permissible modes including Speed Post, registered Courier and *dasti*. Fresh affidavit of service be filed in due course.



**IA No. 12339/2022 (application filed by the plaintiff u/O 6 Rule 17 r/w Section 151 CPC for amendment of plaint)**

As per file noting, plaintiff has not filed PF for issuance of notice to defendant nos. 3 to 7 as per the order of the Hon'ble Court dated 04.08.2022.

Learned counsel for defendant nos. 1 and 2 undertakes to file reply today itself with advance copy to the opposite parties. Learned counsel for defendant no.3 has stated that she has received the copy of the application, but she does not wish to file reply.

Fresh notice be issued to defendant nos. 4,5,6 and 7 at the given address on filing of PF by all permissible modes including Speed Post, registered Courier and *dasti*. Affidavit of service be filed in due course.

Matter is already coming up before the Hon'ble Court on 22<sup>nd</sup> September, 2022.

**TYAGITA SINGH, (DHJS)  
JOINT REGISTRAR (JUDICIAL)**

**SEPTEMBER 19, 2022**  
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