



\$~20

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

+ **CS(OS) 623/2022**

NUPUR RUSTAGI & ORS.

.....Plaintiff

Through: Mr. Hari Kishan, Adv. (through
VC).

versus

PRABODH KUMAR RUSTAGI & ORS.

.....Defendant

Through: Mr. Rishabh Wadhwa, Advocate
for D-1 & D-2.

None for D-3.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)**

ORDER

15.02.2023

%

**I.A. No. 21709/2022 (u/O I Rule 10 of CPC and u/O VI
Rule 17 CPC)**

1. As per office noting, summons of suit and notice of the captioned IA issued through ordinary mode has been served upon defendant no.3 through her son.
2. No reply to the captioned IA filed on behalf of the defendant no.3.
3. Ld. Counsel for defendants no.1 and 2 submits that he has already filed reply to captioned IA vide diary no.239222 dated 13.02.2023, application for condonation of delay vide diary no.239201/2023 and vakalatnama vide diary no.235728/2023. However, the same does not find mention in the office noting. Let appropriate steps be taken as per law.



4. Ld. Counsel for plaintiff has requested that notice of the captioned IA may be issued to proposed defendants no.4 and 5 also.
5. It is submitted that main matter is coming up for hearing before the Hon'ble Court on 23.02.2022.
6. Since the time is short, no order for issuing notice of the captioned IA to proposed defendants no.4 and 5 is being passed.
7. At joint request, let the captioned IA be placed before the Hon'ble Court for further directions on the date already fixed i.e. **23rd February, 2023.**

CS(OS) 623/2022, I.A. No.16608/2022 (u/O XXXII Rule 1 of CPC by plaintiff) & I.A. No.16607/2022 (u/O XXXIX Rules 1 & 2 of CPC by plaintiff)

1. Written statement and affidavit of admission/denial of documents on behalf of defendants no.1 and 2 filed vide diary no. 1940042 dated 03.12.2022 are on record.
2. No replication and affidavit of admission/denial has been filed on behalf of the plaintiff qua defendants no.1 and 2.
3. Ld. Counsel for plaintiff submits that he has filed an application for amendment and hence, he has not filed replication and affidavit of admission/denial with respect to defendants no.1 and 2.
4. Replies to the captioned IAs already filed on behalf of defendants no.1 and 2. Ld. Counsel for plaintiff submits that he does not wish to file any rejoinder to said replies.
5. As per office noting, the defendant no.3 has been served through her son.
6. No written statement, affidavit of admission/denial of documents and reply to the captioned IAs filed on behalf of defendant no.3.



7. The defendant no.3 may file written statement alongwith affidavit of admission/denial of documents as per law with advance copy to the opposite party, who may file replication alongwith affidavit of admission/denial of documents thereafter as per law.
8. It is submitted that matter and captioned IAs are coming up for hearing before the Hon'ble Court on 23.02.2022.
9. Let the matter be placed before Hon'ble Court for further directions on the date already fixed i.e. **23rd February, 2023.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 15, 2023/v

Click here to check corrigendum, if any