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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 613/2024

SHILPI GUPTA

.....Plaintiff

Through: Mr. Ashish Aggarwal, Adv. (through
VC) with Ms. Tanya Jain, Adv.

versus

SHANKAR BERIWAL & ORS.

.....Defendant

Through: Defendants are yet to be served.

Mr. Mohit Kumar, Advocate for
applicant Naveen (through VC).

CORAM:

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

ORDER
15.10.2024

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Proceedings are being conducted through hybrid mode.

CS(OS) 613/2024 &

I.A. No. 35338/2024 (by plaintiff for stay)

1. As per office noting, affidavit of compliance u/O XXXIX Rule 3 of CPC has been filed on behalf of plaintiff vide diary no.2864547/2024.
2. Office noting further shows that affidavit of service has been filed on behalf of plaintiff vide diary no.4400799/2024.
3. In view of the service report, summons issued to the defendants no.1 to 3 through speed post have been served, however, summons issued to the defendants no.1 to 3 through ordinary mode received back unserved with



report of 'left/sold the evidence'. Perusal of affidavit of service filed on behalf of plaintiff would show that summons have also been served upon defendants no.2 and 3 through WhatsApp and screenshots showing blue ticks are attached with affidavit of service. In view of the same, defendants no.2 and 3 are deemed to be served.

4. Mr. Mohit, Adv. for applicant Mr. Naveen Kumar has submitted that the applicant has purchased the suit property from the defendants and he has moved an application for impleadment vide diary no.4554979/2024 and the same is yet to be listed. Let appropriate steps be taken as per law.
5. Ld. Counsel for plaintiff disputes the submissions made on behalf of applicant Mr. Naveen Kumar.
6. No written statement and affidavit of admission/denial of documents and reply to the captioned IA has been filed on behalf of defendants no.2 and 3.
7. There is no appearance on behalf of defendants no.2 & 3.
8. The defendants no.2 and 3 may file written statement and affidavit of admission/denial of documents as per law with advance copy to the opposite party, who may file replication and affidavit of admission/denial thereafter as per law.
9. The defendants no.2 and 3 may file reply to the captioned IA within four weeks and rejoinder thereto be filed within two weeks thereafter.
10. At request of Ld. Counsel for plaintiff, let fresh summons of suit and notice of the captioned IA be issued to the defendant through all permissible modes for next date of hearing. The plaintiff is at liberty to file fresh address of



the defendant no.1 ~~within~~ two weeks and summons be also served to the defendant no.1 on fresh address, if any.

11. The defendant no.1 shall file his written statement, reply to captioned IA and affidavit of admission/denial of documents within 30 days from the date of service with advance copy to the plaintiff, who may file replication, rejoinder qua the captioned IA and affidavit of admission/denial of documents thereafter within 30 days.
12. Let the pleadings be completed as per law.
13. Re-notify the present matter for completion of service, completion of pleadings and further proceedings on **02nd December, 2024.**

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)

OCTOBER 15, 2024/v

Click here to check corrigendum, if any