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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 823/2022

AROTI SARKAR & ANR.

..... Plaintiffs

Through: Mr. Lokesh Chopra, Mr. Eshan
Sharma & Mr. Gaurav Kadian,
Advs.

Versus

ASHOK SARKAR & ORS.

..... Defendants

Through: D-5&6 are in person for
themselves for also appearing on
behalf of defendant no.1
(Mob.8700292533)
Mr. Hardik Nagpal & Ms.
Shivani, Advs. For D-8&9
(Mob.9953302737)

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% 09.02.2023

CS(OS) 823/2022

As per office note, summons of the suit as well as notice of captioned IA issued to defendant no.2&7 received back un-served with the report “refused”. At request, fresh summons of the suit as well as notice of captioned IAs be issued to defendant no.2&7 by all permissible modes, on taking steps by the plaintiff. The summons/notice be affixed in case of non availability or refusal.

The Speed Post tracking reports are not clear qua service of defendant no.3&4. The ordinary process has not been received as the same is awaited. At request, fresh summons of the suit as well as notice of captioned IAs be



issued to defendant no.8&9 by all permissible modes, on taking steps by the plaintiff.

Learned counsel for the defendant no.8&9 is present and submits that he has already filed Vakalatnama, Written Statement alongwith Affidavit of Admission/Denial of documents on behalf of defendant no.8&9. However, the same are not on record. Learned counsel for the defendant no.8&9 undertakes to check up the same with the Registry and get the same placed on record after removing the objections, if any. It is stated by learned counsel for the plaintiff that he has not received copy of the same. So, learned counsel for the defendant no.8&9 is directed to supply copy of the same within two days against due acknowledgement.

Thereafter, Replication, if any, alongwith Affidavit of Admission/Denial of documents be filed by the plaintiff to the Written Statement of defendant no.8&9 within stipulated period as prescribed by law with copy to the opposite side.

At this stage, defendant no.5&6 are present in person for themselves and on behalf of defendant no.1 and seek sometime to engage a counsel and file Written Statement. Needless to say, the Written Statement, if any, filed by defendant no.1,5&6 shall be taken on record as per law.

In view of above and since the date before the Hon'ble Court is short, the matter be placed before the Hon'ble Court for date already fixed i.e. 24.02.2023, for further directions.

I.A. No. 21909/2022 (for ex-parte interim orders) and



I.A. No.21910/2022 (for directions)

Learned counsel for defendant no.8&9 and defendant no.5&6 seek sometime to file reply to captioned IAs.

In view of above and since the date before the Hon'ble Court is short, the matter be placed before the Hon'ble Court on date already fixed i.e. 24.02.2023, for further directions.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 9, 2023/ab

Click here to check corrigendum, if any