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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1120/2011**
NASIRUDDIN

..... Plaintiff

Through Mr. Vikas Mahajan, Adv.

versus

NAZIMUDDIN & OTHERS

..... Defendants

Through (Appearance not given for D-2&3)
Mr. Vaibhav Mishra with Mr.
Sidharth Balyan, Adv. for D-4

CORAM:
ASHUTOSH KUMAR (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER

% **01.12.2016**

IA No. 10898/2016 u/s 151 CPC moved by defendant no.3 for permission to carry out necessary renovation/repairs

As per office note, defendant nos. 1, 2,4, 5, 10, 11 were served with notice of captioned application on 22.11.2016 whereas defendant no.9 was served with the notice of captioned application on 28.11.2016 and service reports of defendant nos. 6&8 are awaited whereas defendant no.7 is unserved.

Learned counsel for defendant nos. 2&3 has stated that defendant no.2 is supporting the application. The other served defendants and plaintiff may file their reply within two weeks with advance copy thereof be supplied to opposite side, who may file rejoinder thereto within two weeks.

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Issue fresh notice to defendant nos. 6&8 in terms of previous order.

Re-notify for completion of pleadings on this IA on next date of hearing.

IA No. 10059/2014 u/O XXXIX R. 2A r/w section 151 CPC moved by plaintiff for appropriate directions

The contemnor nos. 1 &2 are the defendant nos. 1&2 in the original suit whereas contemnor nos.3&4 are not a party to the original suit.

Vide order dated 11.05.2016, Hon'ble Court had permitted the defendants in this application, alleged contemnors, to file reply within four weeks, subject to payment of cost of Rs. 5000/- to the plaintiff.

Learned counsel for contemnor no. 2/defendant no.2 has stated that said cost shall be paid through cheque within one week.

Reply has already been filed by defendant no.2. Rejoinder thereto may be filed within two weeks. However defendant no.1, contemnor nos. 3 &4 are yet to be served. Hence issue notice to them and defendant no.1 may be served through counsel.

Re-notify for completion of pleadings on the next date of hearing.

CS(OS) 1120/2011

Vide order dated 11.05.2016, Hon'ble Court had directed defendant nos. 1 to 3 to lead evidence first and to file affidavits by way of evidence within six weeks and failing which it was directed that each affidavit by way of evidence will be taken on record subject

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to payment of cost of Rs. 5000/- to learned counsel for plaintiff qua each affidavit by way of evidence.

Learned counsel for defendant nos. 2&3 has admitted that three affidavits by way of evidence of DW-1 to DW-3 (present in the court) were filed belatedly and he shall pay the total cost of Rs. 15,000/- in this regard by means of cheque to learned counsel for plaintiff within one week from today.

Learned counsel for plaintiff seeks adjournment on the ground that he has been recently engaged and needs some time for preparation. Even otherwise aforesaid cost has to be paid first. Accordingly re-notify for evidence of DW-1 to DW-3 on 03.03.2017 at 12.00 noon.

ASHUTOSH KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

DECEMBER 01, 2016/cd