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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 96/2018 & IA No.3893/2018 (u/O I R-10(2) r/w Section 151
of the CPC moved by plaintiff).
SANJIT CHATTERJEE Plaintiff

Through: Ms. Ginny J. Rautray and Ms.
Bhawna, Advs.

versus

ALOK K. BAGCHI Defendant
Through: Mr. M.N. Siddiqui, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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23.04.2018

IA No.5371/2018 (of the defendant for permission to remove the shuttering material).

1. Though the counsel for the plaintiff appears on advance notice but seeks opportunity to file reply. However upon being asked as to what is required to be stated in the reply, the counsel has no idea.
2. The purpose of appearing on advance notice is to put forth the stand before the Court whereafter if in the facts, reply or affidavit is required, opportunity therefor will be granted. Advance notice is not merely for appearing to take adjournment.
3. The counsel for the applicant/defendant on enquiry states that the shuttering which is required to be removed is with respect to the construction above the second floor.
4. The present suit, as per detailed judgment dated 7th March, 2018, was not even entertained with respect to the subject construction.
5. In fact there was no need for the application.

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6. Be that as it may, the application is thus allowed.
7. The applicant/defendant is permitted to remove the shuttering installed by him for the purposes of construction above the second floor of the property.
8. The application is disposed of.

RAJIV SAHAI ENDLAW, J

APRIL 23, 2018
'pp'..

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