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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 1312/2007

UJJAL S. MAKKER

.....Plaintiff

Through: Mr. Rahul Sharma, Ms. Jyoti
Dutt Sharma & Mr. Ayush Bhatt,
Advs. (Mob.9811555971, Email:
duttsharma@gmail.com)

versus

KAVAL BAJAJ & ORS

.....Defendants

Through: Dr. Sarbjit Sharma & Ms.
Akanksha, Advs. for D-1
Ms. Payal Juneja, Adv. for D-2
(joined through VC)
Ms. Chandrika Gupta & Mr.
Aditya Sharma, Advs. for Mr.
Rajat Aneja, Adv. for D-3

CORAM:

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

ORDER

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03.07.2024

**I.A.No.14910/2021 (under Order I Rule 10 CPC filed
by defendant no.3 seeking deletion)**

Pleadings are already complete.

The defendant no.3 has not filed till date Affidavit despite seeking time since 26.09.2023. In fact vide order dated 20.11.2023, the last and final opportunity was granted to the defendant no.3 to file Affidavit. Despite the same, Affidavit has not been filed by defendant no.3 till date. Learned counsel for the defendant no.3 seeks one more opportunity to file the Affidavit. No ground is made out to give further opportunity. However, solely, in the interest of justice and subject to imposition of cost of Rs.3000/- to be paid to the plaintiff, one more last and final opportunity is granted to the defendant no.3 to file Affidavit within three weeks with copy to the side.

Re-notify the captioned IA for



compliance/consideration on the next date of hearing.

I.A.No.13310/2022 (for passing of Preliminary Decree and for directions filed by defendant no.1)

Pleadings are already complete.

Re-notify the captioned IA on the next date of hearing.

I.A.No.1137/2023 (under Order XI Rule 12 & 14 CPC filed by the plaintiff)

Pleadings are already complete.

At request, re-notify the captioned IA for consideration on 14.08.2024.

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At this stage, it is stated by learned counsel for the defendant no.3 that as per information received, defendant no.2 has expired recently. The same is conceded by learned counsel for the defendant no.2 and submits that defendant no.2 has expired on 30.04.2024. Further, she undertakes to supply Death Certificate and necessary details of LRs of deceased defendant no.2 to learned counsel for the plaintiff within ten days through e-mail. Let needful be done as stated. Thereafter, the plaintiff is directed to take appropriate steps as per law qua impleadment of LRs of deceased defendant no.2.

Re-notify the matter for further proceedings on 14.08.2024.

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

JULY 3, 2024/ab

Click here to check corrigendum, if any