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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 1721/2008, I.A.9926/2008, I.A.8948/2009, I.A.8307/2018,
I.A.4917/2021
PRASAR BHARATI

..... Plaintiff

Through: Mr. Sahil Bhalaik and Mr. Tushar
Giri, Advocates.

versus

TV TODAY INDIA LTD & ORS.

..... Defendant

Through: Ms. Meenakshi Midha and Ms.
Pritika Juneja, Advocates for
defendant No.1, 5 and 12.
Mr. Kuber Mahajan, Advocate for
defendant No.3.
Mr. Rohan Swarup, Advocate for
defendant No.4.
Mr. Manas Syal and Ms. Zoya Junaid,
Advocate for defendant No.6.
Mr. Paramvir Singh, Advocate for
defendant No.10.
Dr. Saif Mahmood, Mr. Vivek
Agarwal and Ms. Kanika Sharma,
Advocate for defendant No.11.
Mr. Saurabh Jain, Advocate for
defendant No.13.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
04.08.2022

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O.A.16/2021

1. An appeal is filed on behalf of defendant No.13 under Rule 5 of



Chapter 2 of Delhi High Court (OS) Rules, 2018 challenging the order dated 26th February, 2020, dismissing the application of D-13 to join the proceedings and adopting the written statement of D-1, D-5 and D-12.

2. The defendant No.13 had moved an application for permitting him to join the proceedings and by adopt the written statement of other defendants. It is submitted that the summons were sent at the premises at Lajpat Nagar address which is essentially being used by the defendant as a Guest House and no effective service was done on Defendant No.13. He came to know about pendency of the present suit only when summons in I.A.8067/2018 were served upon him at Lajpat Nagar address. It is submitted that D-13 may be permitted to join the proceedings and to adopt the written statement of D-1,D-5 and D-12.

3. The application on behalf of D-13 was dismissed by the learned Joint Registrar vide Order dated 26th February, 2020.

4. It is submitted on behalf of defendant No.13 that no effective service was conducted and there would be no derailment of the trial and no prejudice would be caused to the parties if D-13 is permitted to be join at this stage. It is submitted that no new facts are to be introduced by defendant No.13 and he would be adopting the written statement of D-1, D-5 and D-12. The evidence of PW1 is yet to be commenced. Learned counsel on behalf of D-13 has submitted that he would be adopting the written statement of D-1, D-5 and D-12 as it is and does not intend to make any amendment or take additional plea except to what is stated in the Written Statement and there is no need of admission/denial of documents to be done on behalf of defendant No.13.

6. Learned counsel for the plaintiff has opposed the application by



asserting that the defendant was duly served and he cannot be allowed to join the proceedings after more than ten years.

7. Submissions heard.

8. Considering the submissions made in the application and also that there would not be any prejudice caused to other defendants nor would there be any delay in the proceedings, in the interest of justice Defendant No.13 is allowed to join the proceedings and to adopt the written statement filed on behalf of D-1, D-5 and D-12.

9. List this matter before the JR for recording of evidence of the parties on 13th October, 2022.

NEENA BANSAL KRISHNA, J

AUGUST 4, 2022
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