



\$~1 & 16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 524/2016 & IA No.17684/2014 (u/O XXVI R-9 CPC)

RAKESH MEDIRATTA Plaintiff

Through: Mr. Yogesh K. Jagia and Mr. Amit
Sood, Advs.

Versus

TODAY HOMES & INFRASTRUCTURE PVT LTD
& ANR

..... Defendants

Through: Mr. Vivek Sibal and Mr. Shashank
Raj, Advs.

AND

+ CS(OS) 1817/2012 & IA No.10378/2014 (u/O XXVI R-9 CPC)

ANJALA EXHIBITORS PVT LTD Plaintiff

Through: Mr. Yogesh K. Jagia and Mr. Amit
Sood, Advs.

Versus

TODAY HOMES & INFRASTRUCTURE PVT LTD
& ANR

..... Defendants

Through: Mr. Vivek Sibal and Mr. Shashank
Raj, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **27.04.2017**

1. Passover is sought on behalf of the counsel for defendants in both the suits.
2. The counsel for the plaintiff in both the suits states that he withdraws IA No.17684/2014 for appointment of Court Commissioner in CS(COMM) 524/2016.

CS(COMM) 524/2016 & CS(OS) 1817/2012

Page 1 of 2



3. IA No.17684/2014 in CS(COMM) No.524/2016 is dismissed as withdrawn.
4. The counsel for the plaintiff states that insofar as CS(COMM) No.524/2016 is concerned, the recording of evidence is underway and the plaintiff has already led his evidence and it is listed for evidence of the defendants.
5. With respect to CS(OS) No.1817/2012, the counsel for the plaintiff states that possession of the portion referred to in the order dated 23rd March, 2017 has already been received but the issues of (a) execution of sale deed, (b) electricity connection and (c) clearance by the defendants of the house tax dues for the earlier period, remain.
6. The counsel for the plaintiff also states that he will apply for amendment of plaint in CS(OS) No.1817/2012 after the aforesaid three issues are resolved.
7. In my view, the plaintiff in CS(OS) No.1817/2012 should not delay the filing of the application for amended plaint.
8. The application for amendment of CS(OS) No.1817/2012 along with amended plaint be filed within one week, as sought.
9. List on 4th July, 2017.
10. The recording of evidence in CS(COMM) No.524/2016 to go on.

RAJIV SAHAI ENDLAW, J.

APRIL 27, 2017
bs..