



\$~12 (14.04.2025)

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

+ CS(OS) 320/2018, I.A. 8724/2018, I.A. 11205/2019, I.A. 14831/2022,
I.A. 17693/2022, I.A. 19973/2022, I.A. 39889/2024
PAWWAN KHANNAPlaintiff

Through: Ms. Aashtha Gumber, Adv.
versus

DEEPAK BAGGA & ANR.Defendants

Through: Mr. Naman Sabharwal, Adv. for LR's
of D-1 namely Mr. Amit bagga, Ms.
Rita bagga and Ms. Shikha
hola(except Akhil Bagga)
Ms. Aditi Chaudhary, Advocate for
D-2
Mr. Rahul Verma proxy counsel for
D-3 (through vc)
Mr. Vikas Mishra, Mr. Nilay Kaushal
and Mr. Krishna Dev Yadav, Advs.
for D-4.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **15.04.2025**

**Since, 14.04.2025 was declared as a holiday on account of
Ambedkar Jayanti, the matter has been taken up today.**

**I.A. 17693/2022 (under Order XXXIX Rule 2A and Section 151 of the
CPC,1908 seeking necessary directions to attach the property of Sh. Gaurav
Prasad and for grant compensation to the applicant/plaintiff)**

**I.A. 19973/2022 (on behalf of the proposed defendant no.4 under order
XXXIX Rule 4 of the code of civil procedure code, 1908 seeking vacation
of the order dated 22.09.2022)**

1. Defendant no. 3 has taken a categorical stance that he was not served
in these proceedings either with the order dated 20.08.2019 or in the main



suit itself. The determination of the issue of service of defendant no. 3 is a fundamental fact for deciding I.A. No. 17693/2022 and I.A. 14831/2022.

2. The registry is directed to send a report before the next date of hearing as regards to service of I.A. 11205/2019 on defendant no. 3 as per the record and also with respect to the status of affidavit of compliance under Order XXXIX Rule 3 CPC filed by the plaintiff after passing of the order dated 20.08.2019.

3. Learned counsel for defendant no. 3 states that in fact there is no affidavit of service under Order XXXIX Rule 3 CPC filed by the plaintiff after the passing of the order dated 20.08.2019.

4. These submissions are also supported by counsel for defendant no. 4.

I.A. 39889/2024 (under Order VI Rule 17 read with section 151 of CPC for amendment of plaint)

5. Leaned counsel for the plaintiff states that the rejoinder has been filed during the course of the day. She is directed to have the same placed on record within a period of one (1) week.

6. List for consideration on **20.05.2025**.

MANMEET PRITAM SINGH ARORA, J

APRIL 15, 2025/msh/ms

Click here to check corrigendum, if any