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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(COMM) 1038/2016
M/S FUTURISTIC PROPERTIES PVT LTD

..... Plaintiff

Through Appearance not given.

versus

M/S KUNTH SECURITIES PVT LTD

..... Defendant

Through Ms. Sangeeta Jain, Adv. for D-3.

CORAM:

SANJAY JINDAL (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% 11.09.2018

IA No. 11895/2016 u/O VII R 11 filed by defendant no. 2

Reply filed by plaintiff on 07.09.2018. Copy already supplied as stated. It is pointed out by learned counsel for defendant that vide order dated 28.05.2018, four weeks time was granted to the plaintiff for filing of reply and it was observed that thereafter the opportunity would be closed. Since, no one is present on behalf of defendant no. 2, this issue shall be considered on next date of hearing.

Put up for consideration on next date of hearing.

IA No. 10970/2018 u/sec. 151 CPC filed by plaintiff for service of defendant no. 1 through defendant no. 3.

It is submitted by learned counsel for defendant no. 3 that copy of application has not been received by him. It is submitted by learned counsel for plaintiff that he has already sent the application through post. To avoid any further delay, let a copy of the application

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be supplied to learned counsel for defendant no. 3 against due acknowledgement within a week so that she can file reply, if any on or before next date of hearing.

CS(COMM) 1038/2016 & IA No. 4518/2016 u/O XXXIX R 1 & 2 CPC.

Defendant no. 1 is yet to be served.

Pleadings qua defendant no. 2 already complete. As per report, no replication to the written statement of defendant no. 3 has been filed but learned counsel for plaintiff states that he has already filed the replication but he has failed to give the date and diary number. Learned counsel for defendant no. 3 submits that though she has received a copy of the replication but vide order dated 28.05.2018, six weeks time was granted to the plaintiff for filing of replication qua written statement of defendant nos. 2 & 3 which the plaintiff has failed to comply. Further that the replication, if any, filed after six weeks from 28.05.2018 can be taken on record only subject to payment of cost of Rs. 5000/- which was imposed on 28.05.2018. In view of above contentions, the issue regarding status of pleadings qua defendant nos. 2 & 3 shall be considered on next date of hearing. In the meantime, the learned counsel for plaintiff is directed to check the status of his replication qua defendant no. 3 and to do the needful to bring the same on record.

Defendant no. 4 is already ex-parte vide order dated 16.11.2017.

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Right of defendant no. 5 to file written statement was closed vide order dated 21.03.2018.

It has already come on record on behalf of defendant no. 2 that their written statement be treated as reply to the above captioned IA.

Put up on 26.09.2018.

SANJAY JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)

SEPTEMBER 11, 2018/pk