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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 183/2017**
SHANTI PRAKASH Plaintiff

Through: Mr. Aditya Vashisth, Adv.

Versus

LAKHMI NARAYAN & ORS Defendants

Through: Ms. Amita Gupta, Adv. for D-1 to 6.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **01.05.2018**

OA No.28/2018 (of the defendants no.1 to 6) and IA No.3782/2018 (for condonation of 25 days delay in filing OA)

1. The position remains the same as on 2nd February, 2018.
2. Mr. Aditya Vashisth, Advocate who had appeared on 2nd February, 2018 appears today also and remains a 'non-main' counsel today also and has not tried to ascertain any facts. Conveniently, it is stated that the main counsel Mr. Sandeep Sharma is not well.
3. Qua defendants no.7 to 9 who remain unserved, it is stated that their fresh addresses will be ascertained.
4. In the circumstances, even though the defendants no.1 to 6 along with their OA No.28/2018 against the order dated 9th January, 2018 of the Registrar closing their right to file written statement have still not filed the written statement but the delay in filing OA No.28/2018 is condoned and OA No.28/2018 is allowed.
5. OA No.28/2018 and IA No.3782/2018 are disposed of.



CS(OS) No.183/2017

6. Written statement on behalf of defendants no.1 to 6 be filed within one week with advance copy to the counsel for the plaintiff who may file replication thereto.
7. Last opportunity is given to the plaintiff to serve the defendants no.7 to 9 by all modes including dasti and at any fresh address as may be furnished, returnable before the Joint Registrar on 12th July, 2018.
8. The counsel for the defendants no.1 to 6 also states that the suit for partition of agricultural land is not maintainable before this Court. However, neither counsel is aware whether the land has been urbanized or not by issuance of a notification under Section 507 of the Delhi Municipal Corporation Act, 1957 and / or to what use the land is being put.
9. The counsels to also ascertain the said facts and produce documents in support thereof.

RAJIV SAHAI ENDLAW, J

MAY 01, 2018
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