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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 521/2016

SHRI KAILASH GUPTA & ANR Plaintiffs

Through: None.

versus

SHRI VIRENDER PRATAP SINGH CHARAK & ORS

..... Defendants

Through: Mr. Aditya Agarwal, Adv. for
D-1&2 alongwith D-1 in person
Ms. Shubhra Parashar, proxy cl.
for D-3

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% **14.03.2023**

**IA No.3088/2023 under Section 151 CPC moved by the
plaintiff seeking condonation of delay in filing List of
Witnesses**

At request, reply, if any, to captioned IA be filed by the defendant no.1 to 3 within two weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

Re-notify captioned IA for completion of pleadings/consideration on the next date of hearing.

**IA No.17449/2022 under Order VII R 14(3) r/w Section
151 CPC moved by the plaintiffs to bring on record
additional documents**

Joint reply to captioned IA filed by defendant no.1 to 3, is on record but rejoinder to the same has not been filed by the plaintiff till date. There is no appearance on behalf of the plaintiff today to explain in this regard. In the interest of justice, the last and final opportunity is granted to the plaintiff to file rejoinder to the reply of the defendants within two weeks with copy to the opposite side.

On the last date of hearing, the plaintiff was directed



to take steps for service of the defendant no.4. However, as per office note, steps have not been taken by the plaintiff in this regard. In the interest of justice and subject to imposition of cost of Rs.2000/- upon the plaintiff to be deposited with Delhi High Court Legal Services Committee, one more opportunity is granted to the plaintiff for the same. The defendant no.4 be served with notice of captioned IA by all permissible modes, on taking steps by the applicant/plaintiffs, returnable for the next date of hearing.

Re-notify captioned IA for completion of service of defendant no.4/pleadings qua defendant no.1 to 3 on the next date of hearing.

IA No.17451/2022 under Order XVI R 1&2 r/w Section 151 CPC for issuing summons to the witnesses moved by plaintiffs

Joint reply to captioned IA filed by defendant no.1 to 3, is on record but rejoinder to the same has not been filed by the plaintiff till date. There is no appearance on behalf of the plaintiff today to explain in this regard. In the interest of justice, the last and final opportunity is granted to the plaintiff to file rejoinder to the reply of the defendants within two weeks with copy to the opposite side.

On the last date of hearing, the plaintiff was directed to take steps for service of the defendant no.4. However, as per office note, steps have not been taken by the plaintiff till date. In the interest of justice, no adverse order is being passed today and the last and final opportunity is granted to the plaintiff for the same. The defendant no.4 be served with notice of captioned IA by all permissible modes, on



taking steps by the application/plaintiffs, returnable for the next date of hearing.

At this stage, it is stated by learned counsels for the defendant no.1&2 and defendant no.3 that defendant no.1 to 3 have filed joint application seeking condonation of delay in filing List of Witnesses alongwith List of Witnesses vide diary no.454901 on 12.03.2023. However, the same is not on record. Learned counsels for the defendant no.1 & 2 and defendant no.3 is directed to check up the same with the Registry and get the same placed on record after removing the objections, if any.

The plaintiff is at liberty to file reply, if any, to said condonation of delay application filed by the defendant no.1 to 3 within two weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

Re-notify captioned IA for completion of service of defendant no.4/pleadings qua defendant no.1 to 3 on 01.06.2023.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MARCH 14, 2023/ab

Click here to check corrigendum, if any