



\$~5

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 521/2016

SHRI KAILASH GUPTA & ANR Plaintiffs

Through: Mr. Ashish Prasad, proxy cl.
(joined through VC)

versus

SHRI VIRENDER PRATAP SINGH CHARAK & ORS

..... Defendants

Through: Ms. Himani Singh, Adv. for
D-1&2 with D-1 in person
Mr. Virender Pratap Singh,
proxy cl. for D-3

CORAM:

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

ORDER

% **12.01.2023**

**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**

Learned counsel for defendant no.1&2 is present and seeks sometime to file reply to captioned IA.

Learned proxy counsel for the defendant no.3 also seeks sometime to file reply to captioned IA.

At request, reply, if any, to captioned IA be filed by defendant no.1&2 and D-3 within four weeks with copy to opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to opposite side.

As per record, defendant no.4 has not been served through ordinary process. Learned proxy counsel for the plaintiffs submits that he has no knowledge with regard to service of defendant no.4 by other modes. At request, defendant no.4 be served with notice of captioned IA by all permissible modes, on taking of 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 of 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

Learned counsel for defendant no.1&2 is present and submits that the plaintiff has not filed List of Witnesses till date and copy of same has also not supplied to learned counsel for defendant no.1&2. However, captioned IA has been filed for summoning of the witnesses.

At this stage, it is stated by learned proxy counsel for the plaintiffs that List of Witnesses has already been filed vide diary no.573379 on 07.04.2022. However, the same is not on record. Learned counsel for the plaintiffs is directed to check up the same with the registry and get the same placed on record after removing the objections, if any, within a week. Copy of same be also supplied to learned counsel for the defendant no.1&2.

Learned proxy counsel for the defendant no.3 is present and submits that defendant no.3 has also not received copy of List of witnesses. Hence, learned counsel for plaintiff is directed to supply copy of List of Witnesses to learned counsel for the defendant no.3.

At request, reply, if any, to captioned IA be filed by defendant no.1&2 and D-3 within four weeks with copy to opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to opposite side.

As per record, defendant no.4 has not been served through ordinary process. Learned proxy counsel for the plaintiffs submits that he has no knowledge with regard to



service of defendant no.4 by other modes. At request, defendant no.4 be served with notice of captioned IA by all permissible modes, on taking of 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 14.03.2023.

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

JANUARY 12, 2023/ab

Click here to check corrigendum, if any