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

+ **CS(OS) 606/2016**

S JASBIR SINGH CHHATWAL

.....Plaintiff

Through: Mr. Paritosh Budhiraja, Ms. Divya Singh
Advs. paritoshbudhiraja248@gmail.com

versus

S DARSHAN SINGH & ORS

.....Defendant

Through: Ms. Suman Malhotra, with Mr. Sameer
Bansal, Advs. mamadvocate@gmail.com for
D-1. M. 9811205361
Mr. Gautam Dhamija, Adv. for D-2
(Through VC)

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

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05.08.2024

Matter is taken up through physical hearing as well as video conferencing.

The present case has been transferred from the Court of Ld. Joint Registrar (Judicial) Ms. Priya Mahendra vide Order dated 28.06.2024 issued by Ld. Registrar (Original & JJ Sectt.).

As per previous orders, right of defendants no. 4 to 6 to file Written Statement had already been closed. Pleadings are already complete qua defendant no.1. Admission/denial and marking of exhibits of the documents had already been done qua documents of plaintiff and defendant no.1 vide Order dated 11.10.2019. However, since defendant no.2 was not appearing regularly, case was kept pending awaiting the appearance of defendant no.2 and issues could not be framed in this case.

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Perusal of the PDF record of the case reveals that Written Statement of defendant no.2 is on record but there is no affidavit of admission/denial filed by defendant no.2. Ld. Counsel for plaintiff has stated that he does not wish to file Replication to the Written Statement of defendant no.2 as defendant no.2 has supported the case of plaintiff in his Written Statement. **Pleadings are complete qua defendant no.2.**

Perusal of record shows that an affidavit of fresh address of defendant no.2 has been filed on record by Ld. Counsel for defendant no.2 and the defendant no.2 has been served with Court Notice. However defendant no.2 has not appeared today and Ld. Counsel for defendant no.2 has stated that he wants discharge in the case as he is not having proper instructions from defendant no.2.

Ld. Counsel for plaintiff is directed to file Amended Memo of Parties as per the fresh address of defendant no.2. Ld. Counsel for defendant no.2 is directed to supply copy of affidavit of fresh address of defendant no.2 to the Ld. Counsel for plaintiff by way of e-mail within one week. Counsels for the parties are directed to share their e-mail IDs in attendance.

Fresh Court Notice on the fresh address be issued to defendant no.2 as mentioned in the affidavit filed on record, for personal appearance on 08.10.2024.

**TYAGITA SINGH, (DHJS),
JOINT REGISTRAR (JUDICIAL)**

AUGUST 5, 2024/sm