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

+ **CS(OS) 4/2018**

M/S M.P.S. EXIM PVT. LTD. & ORS

..... Plaintiffs

Through: Mr. Karan Babuta, Adv alongwith PW1-
Mr. Ajay Sharma.

versus

MR. DHARMENDER YADAV & ORS

..... Defendants

Through: Mr. Kartik Nagarkatti, Adv for D1 to 4.

CORAM:

MS. VANDANA JAIN (DHJS) JOINT REGISTRAR(JUDICIAL)

ORDER

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16.03.2022

Matter is listed for PE. Affidavit of evidence of PW1 Ajay Sharma filed by plaintiff. Learned counsel for plaintiff has drawn the attention of this Court towards order dated 22.01.2020 wherein affidavit was directed to be filed on payment of cost of Rs 10,000/-. He submits that in the said order, it is not clarified whether the cost has to be deposited or to be paid to defendants.

Since the order is with respect to the payment, therefore, same has to be paid to the opposite party. Learned counsel for plaintiffs submits that he has brought the cheque today and also submits that till the cost is not paid, registry is not accepting the affidavit of PW- Mr. Ajay Sharma.



At this stage, learned counsel for defendants submits that defendants are not contacting him since long and he has already sent an e-mail to them and therefore, he shall be seeking discharge in the case by taking appropriate steps. He further submits that defendant No.1 & 2 were residing at the suit property, of which possession has been taken by the financial institution under SARFAESI Act and they are not aware of other address of defendant No.1 & 2. Learned counsel for defendants has furnished the e-mail ID of defendant No.1 in the Court i.e. on yadavdharmander9000@gmail.com, on which defendant No.1 & 2 (wife of defendant No.1) can be served.

In view of submissions made above, let court notice be issued to defendants 1 & 2 on the e-mail ID of defendant No.1 and to defendant No.3 & 4 at the address given in the Memo of Parties, returnable for next date of hearing.

Put up for further proceedings on 06.07.2022.

VANDANA JAIN (DHJS)
JOINT REGISTRAR(JUDICIAL)

MARCH 16, 2022
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