

02.9.2020

Present: Mr. R.K. Bawa, Senior Advocate, with Mr. Ajay Kumar Sharma, Advocate, for the plaintiffs.
Mr. Romesh Verma, Advocate, for defendants No. 5 to 11.
Mr. Neel Kamal Sood, Advocate, for defendant No.23.
Mr. Sudhir Bhatnagar and Mr. Arvind Sharma, Additional Advocates General, for the State.
Through Video Conferencing

OMP No. 239 of 2020

By way of instant application filed under Order 9 Rule 7 read with Section 151 CPC, prayer has been made on behalf of defendants No. 5 to 11, for setting aside ex-parte order dated 18.8.2020, whereby they came to be proceeded ex-parte on account of their absence.

Having heard learned counsel for the parties and perused averments contained in the application, which is duly supported by an affidavit, this Court finds that though on 18.8.2020, Mr. Romesh Verma, Advocate had instructions to put in appearance on behalf of aforesaid defendants, but he was unable to put in appearance for the reasons which were completely beyond his control and as such, prayer made in the instant application deserves to be allowed. Accordingly, order dated 18.8.2020 is recalled in as much as aforesaid defendants were ordered to be proceeded ex-parte. Aforesaid respondents are permitted to join the proceedings. Written statement, power of attorney on behalf of the aforesaid defendants stands annexed with the application and same is ordered to be taken on record. Replication, if any, to the same may be filed by the plaintiff within a period of four weeks. Application stands disposed of.

OMP No. 238 of 2020

By way of instant application, prayer has been made on behalf of applicants/defendants No. 23 and 24 for rejection of the plaint. Learned counsel for the non-applicant/plaintiff prays for and is granted four weeks' time to file reply to the application.

CS No. 5 of 2020

Steps for service of defendants No. 16, 18 and 22 be taken within a period of one week, enabling the Registry to issue notices returnable within six weeks.

2nd September, 2020
manjit

(Sandeep Sharma),
Judge