

Rajinder Pal Singh vs. M/s Jaswindra Estate & others

COMS No. 18 of 2018

01.04.2023 Present: Mr. Karun Negi, Advocate for the plaintiff.

Mr. Ajay Singh Kashyap, Advocate for defendants No.1 to 5.

Defendant No.6 stands deleted vide order dated 03.06.2020.

Defendants No. 3 to 5 were proceeded ex-parte vide order dated 11.1.2023 for non-representation on their behalf despite their service in September, 2020.

Today, Mr. Ajay Singh Kashayap, Advocate, has put in appearance on behalf of defendants No. 1 and 2 as well as defendants No 3 to 5 and submits that due to lack of communication, defendants No. 3 to 5 remained unrepresented on 11.1.2023 leading to passing of ex-parte order against them. He further submits that he has received power of attorney on behalf of defendants No.3 to 5 and same will be filed within one week.

Suit is at the initial stage of service of defendants. Therefore, on oral request of learned counsel for appearing defendants, ex-parte order dated 11.1.2023 passed against defendants No. 3 to 5 is recalled and they are permitted to join the proceedings henceforth.

Learned counsel for appearing defendants submits that he has instructions to inform that defendants are ready to execute the sale deed subject to payment of sale consideration by plaintiff and therefore, he has instructions to convey willingness of defendants to execute the sale deed.

Learned counsel for plaintiff submits that before execution of sale deed, certain formalities are to be completed by defendants including obtaining permission under Section 118 of H.P. Land Revenue Act and therefore, he submits that instructions in this regard are required to be imparted by defendants and further that he also intends to have current instructions in view of submissions made on behalf of defendants through their counsel today in Court.

In aforesaid circumstances, matter is adjourned directing the learned counsel for parties to have complete instructions in the matter and to respond to submissions made by opposite counsel by next date.

As prayed, list on *4th May, 2023*.

April 01, 2023
(ms)

(Vivek Singh Thakur)
Judge