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

\+ O.M.P.(I) (COMM.) 107/2019

BANWARI LAL SARAF(HUF)

.....Petitioner

Through: Mr. Niraj Kumar, Adv. (E-mail ID: nirajkumar1976@gmail.com and Mob. No. 9811306559).

versus

INDIRAPURAM HABITAT CENTRE PRIVATE LIMITED & ORS

.....Respondent

Through: Mr. Rohit Kumar with Mr. Cyril, Advs. for R-1, 4 & 5.

Mr. Shekhar Sharma, Adv. for R-6 (through VC).

Ms. Deepika & Ms. Shreya, Advs. for R-7.

R-2 & R-3 are yet to be served in CCP(O) 53/2022.

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. DEVENDER KUMAR GARG (DHJS)

O R D E R

% 22.07.2024

Proceedings are being conducted through hybrid mode.

Case file has been received from the court of Ms. Shuchi Laler, Ld. Joint Registrar (Judicial) by way of transfer in terms of office order dated 28.06.2024.

O.M.P.(I) (COMM.) 107/2019

1. It is submitted that the captioned petition has already been disposed off vide order dated 08.08.2022 passed by the Hon'ble Court and the present matter is pending for consideration of below mentioned IAs.

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I.A. No. 4362/2024 (by petitioner u/S 151 of CPC seeking permission to serve notice of CCP(O) 53/2022 upon R-2 & R-3 through jail authorities)

2. Ld. Counsel for petitioner has submitted that respondent no.3 is now out of custody and hence, he does not wish to press the captioned IA qua respondent no.3. He has further submitted that the respondent no.2 is still in custody at Jail No.7, Tihar Jail, Delhi in the matter as mentioned in the captioned IA and notice of CCP(O) 53/2022 may be issued to respondent no.2 through the concerned Jail Superintendent.
3. Heard. For the reasons stated in the application and in view of above submissions, let notice of CCP(O) 53/2022 be issued to respondent no.2 through concerned Jail Superintendent on the details mentioned in the captioned IA for next date of hearing. It be mentioned in the notice that production of respondent no.2 is not required in the present matter as it is a civil matter.
4. The captioned IA stands disposed off accordingly.

CCP(O) 53/2022 (u/S 10 to 12 of CCA)

5. Perusal of record shows that counter-affidavit to the captioned CCP(O) alongwith annexures were filed on behalf of respondents no.1 & 4.
6. Reply to the captioned CCP(O) was also filed on behalf of respondent no.7.
7. As per office noting, counter-affidavit to the captioned CCP(O) alongwith annexures were filed on behalf of respondent no.6.
8. No rejoinder to the above said replies/counter-affidavits has been filed on behalf of petitioner qua respondents

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no.1, 4, 6 & 7. Time sought. Let the same be filed within four weeks as last opportunity.

9. No reply/counter-affidavit to captioned CCP(O) has been filed on behalf of respondent no.5. TIme sought. Let the same be filed within four weeks as last opportunity and rejoinder thereto be filed within two weeks thereafter.

10. At request, issue notice of the captioned CCP(O) to respondent no.2 in terms of order passed today in IA No.4362/2024 for next date of hearing, who may file reply to the same within four weeks from the date of service and rejoinder thereto be filed within two weeks thereafter.

11. At request of Ld. Counsel for petitioner, subject to filing of fresh address of respondent no.3, issue notice of the captioned CCP(O) to the respondent no.3 through all permissible modes for next date of hearing, who may file reply to the same within four weeks from the date of service and rejoinder thereto be filed within two weeks thereafter.

12. Re-notify captioned CCP(O) for completion of pleadings and further proceedings on **27th August, 2024.**

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)

JULY 22, 2024/v

Click here to check corrigendum, if any

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