

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.590/2020

NAND CONSTRUCTION

Plaintiff

Versus

RAMESH KUMAR TANDON & OTHERS

Defendants

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:07/09/2020

Present:- Sh. Harmeet Singh, counsel for plaintiff. (Mobile No.9971766690).

Sh. J.C. Mahandroo, counsel for defendant no.1 to 3 alongwith defendant no.1 to 3. (Enrollment No.D/234/1972 and Mobile No.9810138091).

Sh. Preveen Kumar Goel, counsel for defendant no.5. (Enrollment No.D/524/2004 and Mobile No.9891571284).

None for defendant no.4.

Sh. J.C. Mahandroo, counsel appearing for defendant no.1 to 3 is directed to file the vakalatnama within three days from today after supplying advance copy to the opposite party.

Vakalatnama has already been filed electronically on behalf of defendant no.5 i.e. Bank of India, yesterday. It be checked and taken on record.

None has appeared on behalf of defendant no.4 despite service through Whatsapp and email on 01/09/2020.

Let fresh summons of the suit and notice of interim application U/O XXXIX R.1 & 2 CPC be issued upon the defendant no.4 through Whatsapp, E-mail and through Speed Post, Courier, etc.

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Plaintiff is also at liberty to serve the defendant no.4 through E-mail address and Whatsapp Mobile number, etc.

Let an affidavit of service be filed at least three days in advance of the next date of hearing by the plaintiff.

Ld. Counsel for defendant no.1 to 3 requests for the entire plaint alongwith documents. Let the same be supplied to the counsel for defendant no.1 to 3 within two days from today through email.

Ld. Counsel for plaintiff submitted that he has filed three applications electronically. The first application is u/s 151 CPC seeking withdrawal of the application u/o XXXIX R.1 & 2 CPC initially filed alongwith the plaint. The application is accompanied with an affidavit of plaintiff no.3 who is the power of attorney holder of plaintiff no.2. For the reasons stated in the application and in the interest of justice the application stands allowed and the earlier application u/o XXXIX R.1 & 2 CPC filed alongwith the plaint is dismissed as withdrawn.

Another application u/s 151 CPC seeking amendment in the memo of parties has been filed by the plaintiff alongwith the amended memo of parties. It is stated that inadvertently in the earlier memo of parties, the plaintiff has mentioned Sh. Manish Tandon as plaintiff no.2 and Sh. Nand Kishore Tandon as plaintiff no.3. However, as per the averment in the plaint, Sh. Nand Kishore Tandon shall be plaintiff no.2 and Sh. Manish Tandon shall be plaintiff no.3. For the reasons stated in the application and in the interest of justice, the application stands allowed and the amended memo of parties filed alongwith the application is taken on record.

Third application has been filed u/o XXXIX R.1 & 2 CPC whereby plaintiff has sought that transactions as mentioned in Annexure-A be allowed which pertains to Government dues such as Goods and Service Tax (GST), TDS, etc. It is also prayed that certain transaction be

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allowed to be made during the pendency which are pertaining to Government Exchequer, material suppliers and labourers.

Counsel for defendant no.1 to 3 submits that he has not yet received the copy of this application. He accepts the notice on the application during the hearing today. Let the copy of the application alongwith documents be supplied during the course of the day to the counsel for defendant no.1 to 3.

Counsel for defendant no.5 also submits that he has not yet received the copy of this application. He accepts the notice on the application during the hearing today. Let the copy of the application alongwith documents be also supplied during the course of the day to the counsel for defendant no.5.

Let the written statement and reply to the interim application be filed within three weeks after supplying advance copy to the plaintiff.

Put up for report of service and arguments on the interim application and also for framing of issues on 07/10/2020 at 12.00 Noon.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.07/09/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.617/2020

STATE BANK OF INDIA

Plaintiff

Versus

ROHIT JAIN

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:07/09/2020

Present:- Ms. Amita Srivastava, counsel for plaintiff.

File is not available as the matter was filed physically.

Put up for consideration on 08/09/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.07/09/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO. /2020

Ms. Tajinder Kaur

Plaintiff

Versus

M/s Lamba Enterprises Pvt. Ltd. & Another

Defendants

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:07/09/2020

File is taken up on an application u/s 151 CPC seeking withdrawal of suit filed by the plaintiff.

Present: - Sh. Ravi Chawla, counsel for plaintiff.

It is stated in the application that the present suit was heard by this court on 07/08/2020 and due to issue of pecuniary jurisdiction, this court has passed an order to return the plaint on the same date. It is stated that counsel for plaintiff on 08/08/2020 was informed through email that same suit was listed before the court of Ld. ARC, West, Tis Hazari Court, Delhi and on 11/08/2020, counsel for plaintiff had appeared in the same suit before the court of Ld. ARC and the matter was withdrawn from that court.

Counsel appearing for plaintiff request for withdrawal of the present suit from this court also due to issue of pecuniary jurisdiction.

The application is accompanied with an affidavit. Further, counsel for plaintiff submits that the plaint be returned as same plaint would be filed before the court of appropriate jurisdiction. He further submits that the original affidavit, application, etc. have already been filed physically in the court and the same has to be returned.

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Even though the application has been filed U/S 151 CPC, a prayer has been made by the counsel for the plaintiff for return of the plaint.

In view of the submissions made and in the present circumstances, the request of the counsel for plaintiff is allowed. Let plaint be returned as per provisions prescribed u/o VII R. 10 CPC after due compliance. The original documents filed by the plaintiff alongwith the plaint be also returned to be plaintiff as per rules after taking on record the certified copies of the same and after due acknowledgment.

After due compliance, file be consigned to record room after completing the necessary formalities.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.07/09/2020