

IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL

JUDGE, DELHI (WEST)-02

SUIT NO.425/2020

Sh. Ankur Mahajan

Plaintiff

Versus

Mrs. Sushma Mahajan & Others

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:22/06/2020 (2.00 P.M to 2.25 P.M)

Present:- Sh. Rahul Tiwari, Ld. Counsel for plaintiff. (Mobile No.9958207800) (Enrollment No.D/2018/15)

(E-mail ID of Sh. Rahul Tiwari : r.tewari88@gmail.com)

Sh. Sanjay Rathi, Ld. Counsel for defendants. (Mobile No.9811075210)

(E-mail ID of Sh. Sanjay Rathi : advsanjayrathi@gmail.com)

1. An application u/o VI R.17 CPC was filed electronically by the plaintiff through email dated 20/06/2020 and a copy of the same was also marked to the counsel for the defendants, however, the defendants have not filed the copy of the alleged sale deed executed by them in favour of a third party despite directions in the last order. Ld. Counsel for the defendants has submitted that a sale deed has been registered

with the office of the Sub-registrar on 28/05/2020 in respect of the suit property in favour of a third party and a certified copy of the same has been applied by the defendants with the office of the Sub- Registrar. Counsel for the defendants further states that the copy of the sale deed executed by the defendant herself is not available with the defendant and, therefore, he seeks time to file the certified copy of the same. Such submission of the defendant is unacceptable as the defendant no.1 was directed vide order dated 17/06/2020 to simply file the copy of the sale deed alleged to have been already executed. The court is refraining from passing any coercive order against the defendant at this stage and in the interest of justice, defendant no.1 is given one more opportunity to electronically file the copy of the sale deed allegedly executed by the defendant no.1 in favour of a third party, within three days from today and the copy of the same be also supplied to the plaintiff.

2. Ld. Counsel for the defendants has submitted that he came to know of the application filed by the plaintiff u/o VI R.17 CPC only today when he checked his email and, therefore, seeks three days time to file response to the application u/o VI r.17 CPC filed by the plaintiff.

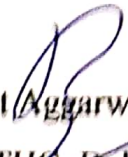
3. Let the reply be filed by the defendants to the application u/o VI r.17 CPC filed by the plaintiff within three days from today and be sent electronically to this court and the copy of the same be marked to the counsel for the plaintiff.

4. Needless to say, it is expected from the counsels for the parties to regularly check their email, especially during this pandemic to ensure smooth functioning of the court and to avoid any delay and not to

request for adjournments on the ground that they were unaware about receipt of any email.

Put up for arguments on the application u/o VI r.17 CPC on 02/07/2020 (Thursday).

A copy of this order be sent to the Ld. Counsel for plaintiff and defendants and also to the filing branch Tis Hazari Court, Delhi for uploading the same on the official website of the District Courts


Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.22/06/2020

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

SUIT NO. /2020

Sh. Rajat Saini

Plaintiff

Versus

1. Ms. Mamta Sharma
2. Mr. Suresh Sharma
3. North Delhi Municipal Corporation

Defendants

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:22/06/2020

(4.30 P.M to 5.00 P.M)

Present:- Sh. Hitesh Mehra, Ld. Counsel for plaintiff. (Mobile No.8447784898)

(E-mail ID of Sh. Hitesh Mehra :
legalsolutionwork.hm739@gmail.com)

1. Perusal of the last order dated 15/06/2020 passed by the Ld. ADJ-01, Tis Hazari Court, Delhi (Duty Officer) reveals that counsel for the plaintiff sought some time to file the amendment application for amending the plaint and, therefore, the matter was put up today for further proceedings.

Reader of this court states that the soft copy of the application u/o

VI r.17 CPC has been received from the plaintiff only today at 3.53 P.M. on the court's official e-mail address i.e. readercj02west@gmail.com. Perusal of the application reveals that the counsel has not filed the amended plaint alongwith the application seeking amendment of the plaint. Plaintiff is directed to file the amended plaint electronically within two days from today on the court's official e-mail address i.e. readercj02west@gmail.com.

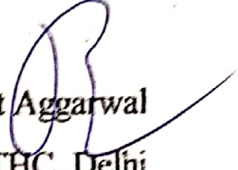
2. As regards the service of summons to the defendants no.1 and 2 in the present case, the counsel for the plaintiff states that he has filed an affidavit of service through email. Reader of this court states that an affidavit of service has been received through email today at 3.53 P.M. which shows that amended plaint alongwith documents has been already served by the plaintiff to the defendant no.1 and 2 through SMS and through Whatsapp mobile application on Mobile No.9212184129. The copies of the Whatsapp message which shows double tick have also been filed alongwith the affidavit of service. It has been alleged that the Defendants No. 1 & 2 are avoiding the service despite due service.

3. Let summons in the suit and notice on the application filed u/o VI R.17 CPC be electronically issued through Nazarat Branch of the court. In the meanwhile, plaintiff is also directed to provide email address, if any, of the defendants. Admittedly, the service has not yet been effected on defendant no.3 as the plaintiff states that he could not find the address of the North Delhi Municipal Corporation which is in fact the statutory body. Plaintiff is directed to provide necessary details including the address and email address of the defendant no.3 in order

to effect service upon defendant no.3.

4. Now, put up for further proceedings on 01/07/2020 (Wednesday).

A copy of this order be sent to the Ld. Counsel for plaintiff and defendants and also to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the Delhi District Court Website.


Bharat Aggarwal
C.J-02, West, THC, Delhi

dt.22/06/2020