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CS DJ 578/24
SURESH KARAMSHI NAKHUA
Vs.
DHRUV RATHEE AND ORS.

14.11.2024

Present : Sh. Raghav Avasthi, Ld. Counsel for plaintiff
through VC.
Sh. Satvik Varma, Sr. Adv. with Sh. Nakul Gandhi,
Sh. Mujeeb, Sh. Shantanu Parmar, Sh. Arindam
Bhardwaj & Sh. Balram, Ld. Counsels for
defendant no.1.

In between the dates of hearing, amended memo of parties and application u/s 151 CPC alongwith fresh supporting affidavits, to the suit and the application u/O 39 Rule 1 & 2 CPC, was filed on behalf of the plaintiff. Proof of service attached. Ld. Counsel for defendant submits that he has no objection if the application is allowed and the said affidavits are taken on record. Heard. Perused.

In view of the above, **the above application u/s. 151 CPC of the plaintiff is allowed.** Fresh supporting affidavits are taken on record. Application u/s 151 CPC for dismissal of the suit along with the written statement filed by defendant no.1.

Lengthy submissions heard on behalf of the defendant. Ld. Counsel for plaintiff submits that in view of the objection raised by the defendant by way of the present application, he be allowed some time to file the correct certificate in terms of Section 63 of the BSA, 2023. Strongly opposed stating that no further time can be granted as already a lot of time has been granted to the plaintiff to file the proper affidavits and no further time can be granted to cure this defect.

At this stage, it is submitted by Ld. Counsel for plaintiff that though the copy of the WS was supplied to him, no copy of the application filed today has been supplied to him and since the defendants are objecting to the grant of time, defendants be directed to supply him a copy of the application in order to enable him to file a detailed reply. Ld. Counsel for defendant submits that the application has only been e-filed yesterday night. Heard .

Let copy of the same be supplied to the plaintiff. On receipt of the same, reply, if any be filed before the NDOH with advance copy to the opposite side.

At this stage, Ld. Counsel for plaintiff submits that the application cannot be taken on record without advance copy being supplied to him.

Put up for reply and arguments on **04.02.2025 at 2 p.m.**

(GUNJAN GUPTA)
DJ-04/South-East, Saket Courts,
New Delhi/14.11.2024