

CS229/21

KHURSHEED Vs. SHAKIR ALI AND ORS

15.02.2024

Present: Sh. Yogesh Kumar & Sh. Aftab Fazil, ld. counsel for plaintiff.
Sh. Rajbeer & Sh. Shailender Kumar, ld. counsel for defendant no. 1 and 10 along with defendant no.1 and 10.
Defendant no. 8 is ex-parte (vide order dated 20.10.2022).

WS filed on behalf of defendant no.1,6,7 and 10 on 20.10.2022.

WS filed on behalf of defendant no.2,3, 4,5,8,9 and 11 on 20.10.2022 (affidavit of defendant no. 3 Shahana is annexed with the WS, though the No. 3 is not specifically mentioned at the top of the WS).

An application under Section 5 of the Limitation Act is pending on record for condoning the delay in filing the WS. Copy already supplied. The present application has been moved under the wrong provision, however, the same is being considered on merits. This is the suit for partition between family members. The written statements are required for the complete adjudication of the *lis* between the parties. The delay in filing the written statements is hereby condoned.

At this stage, ld. Counsel for the plaintiff wishes to withdraw the application under Order VIII Rule 1 & 10 r/w section 151 CPC for striking off the defence of defendants. In view of the submissions of the ld. Counsel for the plaintiff, the application under Order VIII Rule 1 & 10 r/w section 151 CPC is

dismissed as withdrawn. Let the signatures of ld. counsel for plaintiff be taken on the order-sheet as a proof of recording of the correct submissions.

Request has been made for waiving of cost which was imposed upon the plaintiff on last date of hearing. Heard. Cost waived.

Ld. Counsel for plaintiff seeks time for filing the replication. Be filed within two weeks with advance copy to the opposite party.

Put up for completion of pleadings/admission-denial of documents/arguments on interim application/framing of issues on NDOH. All the parties are hereby directed to appear on the NDOH.

Put up on 16.04.2024.

(KAPIL KUMAR)
ADJ-01/NE/KKD/DELHI
15.02.2024 sb