

31CS DJ404/24

G.S. KHURANA Vs. BHAVYA MEHRA

27.11.2024

Present : Sh. Rohan Sharma, Ld. Counsel for plaintiff.
Ms. Suman Arora, Ld. Counsel for defendants.

1. Application on behalf of defendants to dismiss the affidavit tendered by the plaintiff on 08.10.2024 in compliance of order dated 16.07.2024 and extend period of limitation for filing WS has been filed.
2. It is submitted by Ld. Counsel for defendants that vide order dated 16.07.2024, it was directed that certain pages of the documents along with the plaint are illegible and plaintiff was directed to file an affidavit for the documents he is relying upon.
3. In the affidavit filed on 08.10.2024, it is stated by plaintiff that the charge-sheet from pages no.22 to 30 is legible and pages no.31 to 215 are illegible. It is also stated that pages no.31 to 215 be removed from the court file.
4. In response, vide present application, it is submitted by Ld. Counsel for defendant that certain pages enumerated in para 3 of the application are illegible. It is further submitted that these documents are annexures of the charge-sheet and without the annexures, the plaintiff has relied upon part documents. Therefore, she cannot file Written Statement until and unless , the order dated 16.07.2024 is complied with.
5. On the contrary, Ld. Counsel for plaintiff has submitted that he has only relied upon the charge-sheet without annexures and all the pages mentioned in para 3 of the application have been supplied. It is further submitted that he is not relying on

the illegible pages as mentioned in the application.

6. On going through the application as well as the order dated 16.07.2024, it is apparent that the plaintiff was called to produce the legible copies of the documents or file an affidavit stating the documents, he is relying upon. In pursuance to that order, affidavit dated 03.10.2024 has been filed. All the annexures in the charge-sheet have been requested to be taken of the record and only the charge-sheet without annexures sought to be relied upon.

7. Ld. Counsel for plaintiff has submitted that documents which are illegible have not been relied upon. Moreover, the pages mentioned in para 3 of the application are not relied upon by the plaintiff. Only the charge-sheet without annexures have been relied upon. Thus, the submissions of Ld. Counsel for defendant that part documents have been relied upon, cannot be accepted.

8. In view of same, the present application is found without merits and is dismissed.

9. As the affidavit was filed on 08.10.2024, WS be filed as per law with advance copy to opposite side. Reply to application under Order XXXIX rule 1 & 2 CPC be filed by defendant within two weeks with advance copy to opposite side.

10. List for **04.01.2025**.

(Rahul Bhatia)
DJ-01 (South East) Saket Court
New Delhi/27.11.2024 (vg)