

GP 1/26

SULTAN AHMED Vs. THE STATE (GOVT. OF NCT OF DELHI)
AND ORS

07.05.2026

Present: Sh. Abbas Khan, Ld. counsel for petitioner with petitioner.
Sh. Amit Verma from the office of SDM, Yamuna Vihar/R-1.
R-2 in person.
Ld. counsel for R-3 through VC with official of R-3 in person.

IA no. 1/26

1. Petitioner has moved an application for amendment u/s VI Rule 17 CPC seeking deletion of R-2 from the array of parties. After some arguments, he seeks to withdraw the said application. Accordingly, the application is dismissed as withdrawn.
2. At this stage, counsel for petitioner submits that petitioner is before this court for appointment as guardian of R-2/Javed. It is submitted that the reason for seeking the said appointment is mental disability of R-2 and it is prayed that R-2 be deleted from the array of parties u/O I Rule 10 CPC.
3. Considering the above, R-2 is deleted from the array of parties.
4. Despite directions and repeated opportunities, R-3 has not filed reply. Time is again sought. Subject to cost of Rs.2,000/- to be paid to petitioner, let reply be filed within one week with copy to the other side.
5. At this stage, counsel for R-3 is raising his voice at the court and he is advised to maintain the decorum of the court.

6. It is the contention of R-3 that the cost of Rs.2,000/- is on a higher side and therefore, it should be reduced. I may note that R-3 had sought time to file reply on 18.03.2026 and again on 30.03.2026. Today is the third date when R-3 is seeking time to file reply. Thus, it is abundantly clear that there is repeated default on the part of R-3 in filing reply.
7. I may note that this is a case where Javed is a mentally disabled person and he is unable to access his bank account because of non-appointment of guardian in law. The said bank account is stated to be maintained with R-3. On one hand, R-3 refused to file a reply and on the other hand, his counsel is arguing on a meagre cost of Rs.2000/-. I leave it to the wisdom of counsel for R-3 to take note.
8. Two days time is granted to R-3 to file reply. If the reply is not filed within two days, R-3 to pay a cost of Rs.20,000/- to the petitioner.
9. It is clarified that the cost of RS.2,000/- is separate from the cost of Rs.20,000/- which shall be payable only on default of filing of reply.
10. List on 20.05.2026.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
07.05.2026