

28 CS 195/25

**SURESH KATHURIA AND ANR. Vs. SHAKUNTALA DEVI  
AND ORS.**

**12.09.2025**

**At 12:22pm**

**Present:** Sh. Rajat Jain, Ld. proxy counsel for Sh. Vireshwar Tyagi, Ld. Counsel for plaintiffs.  
None for D-1 to D-4.  
Sh. Vishal Khanna, Ld. counsel for D-5 and D-6 through VC.  
D-5 in person.

WS and affidavit of admission and denial of documents filed on behalf of D-1 to D-4 on 16.07.2025. Copy not supplied.

**D-1 to D-4 are directed to supply copy of WS and affidavit of admission and denial of documents to Ld. Counsel for plaintiff within 07 days from today under due acknowledgment.**

**Upon receipt of copies of WS and affidavit of admission and denial of documents of D-1 to D-4, plaintiff is at liberty to file replication, if any, and affidavit of admission and denial of documents within 15 days thereafter with an advance copy to D-1 to D-4.**

WS, application under Order VIII Rule 1 r/w Section 151 CPC, documents along with list of documents filed on behalf of D-5 and D-6.

(2)

Ld. proxy Counsel for plaintiff, on instructions submits that plaintiff does not wish to file any reply to the aforesaid application. He further submits that plaintiff has no objection, if the application under Order VIII Rule 1 r/w Section 151 CPC be allowed subject to cost.

Heard. Application perused.

The matter is still at initial stage and issues are yet to be framed. It is also settled law that all cases shall be decided on merits and after giving proper opportunities to all the parties to represent themselves and contest the case.

In view of the submissions, contentions made in the application, no objection given by Ld. proxy Counsel for plaintiff and also considering that the matter is still at initial stage and no prejudice would be caused to plaintiff, if the present application be allowed, therefore, the present application is hereby **allowed subject to cost of Rs.1,000/- which is to be paid to plaintiff.**

**Application under Order VIII Rule 1 r/w Section 151 CPC is accordingly disposed of.**

**Subject to payment of cost, WS of D-5 and D-6 is taken on record.**

**Plaintiff is at liberty to file replication to the WS of D-5 and D-6, if any, within 15 days from today with an advance copy to D-5 and D-6.**

**Plaintiff and D-5 and D-6 are directed to file their affidavit of admission and denial of documents within 21 days from today with an advance copy to opposite side.**

(3)

On request, copy of application under Order XXXIX Rule 1 and 2 r/w Oder XXXVIII (2) CPC supplied to D-5.

**D-1 to D-6 are directed to file reply to the application under Order XXXIX Rule 1 and 2 r/w Oder XXXVIII (2) CPC within 21 days from today with an advance copy to plaintiff.**

Put up for completion of pleadings, reply and arguments on the application under Order XXXIX Rule 1 and 2 r/w Oder XXXVIII (2) CPC, admission and denial of documents and framing of issues on **28.11.2025**.

(Deepanker Mohan)  
District Judge-04  
Shahdara District/KKD Courts/Delhi  
12.09.2025

**At 12:43pm**

Sh. Rakesh Srivastav and Sh. Ketan Marhwa, Ld. counsels for D-1 to D-4 have appeared. They are apprised about today's proceedings.

Put up for date already fixed i.e. **28.11.2025**.

(Deepanker Mohan)  
District Judge-04  
Shahdara District/KKD Courts/Delhi  
12.09.2025