

8475/16
AMILA DEVI
Vs.
LALMANI NIRMAL

07.12.2017

Present : Sh. Y.K. Dubey, counsel for plaintiff with AR of plaintiff.

Sh. Naginder Yadav, counsel for defendant no. 1 & 2.

Counsel for defendant submits that defendant no.2 has recently engaged him and seeks time to file proper vakalatnama on behalf of defendant no.2. Let the same be filed on or before the next date of hearing.

There is one application under Order 9 Rule 7 CPC filed by defendant no.2 alongwith one application u/s 5 of Limitation Act filed on 10.02.2017. By the present application, defendant no.2 seeks to pray this court to set aside the order dated 31.11.2016 vide which defendant no.2 was ordered to be proceeded exparte.

Heard. File perused.

Counsel for plaintiff submits that he has no objection if the application of the defendant no.2 is allowed. In the interest of justice and the no objection filed by counsel for plaintiff, present application of defendant no.2 is allowed subject to cost of Rs.3,000/- to be paid to the plaintiff.

Second application is filed by defendant no.1 under Order 7 Rule 14 CPC r/w Section 151 CPC. It is submitted by the counsel for the defendant no.1 that the present application filed under

Order 7 Rule 14 CPC r/w Section 151 CPC ought to be filed under Order 8 Rule 1 (a) CPC which is the correct provision for the relief sought by the defendant no.1. He submits that he has already filed an affidavit in this regard and his application is now be treated under Order 8 Rule 1 (a) CPC. Reply to this application has already been filed by the plaintiff. Through the present application, counsel for defendant no.1 wants to place on record certain documents i.e. photocopy of record of Khasra Khatoni, photocopy of certified copy of GPA dated 29.01.1997 and photocopy of certified copy of Will dated 15.12.1994.

Counsel for plaintiff submits that he has no objection if the present application of the defendant no.1 is allowed, however, he insists that defendant no.1 be directed to place on record original documents on record. Counsel for defendant no.1 states that he will furnish the original certified copy of the same on record. He further submits that original documents are in the possession of defendant no.2 and submits that he will file the original documents on the judicial record on or before the next date of hearing.

Ordered accordingly. Both the applications are disposed off. Put up for PE on **21.03.2018**.

(Vandana Chauhan)
Addl. District Judge-01(West) / THC
Delhi/07.12.2017