

M. 19/14

Narinder vs. Dev Raj

01.08.2016

Present : Counsel for applicant.

Respondent in person.

Report from Bar Council of Delhi has not been received.

Show cause notice be issued. It may be noted that application U/o 9 Rule 9 CPC is pending consideration for last more than three years only awaiting the report from Bar Council of Delhi. Considering the delay already caused, the application needs disposal, however, as, Counsel for respondent is not present today, to come up for disposal of this application on 26.09.2016.

(SAVITA RAO)

ADJ-01/W/01.08.2016.

C.S. No. 7/16

Vikas Singh vs. Sheetal Arora

01.08.2016

Present : None for plaintiff.

Defendant in terms of report has left the given address.
She be summoned again on furnishing fresh address as well as on
filing of PF/RC for 04.10.2016.

(SAVITA RAO)

ADJ-01/W/01.08.2016.

M-20/16

Arun Aggarwal vs. Autopal Industries Ltd.

01.08.2016

Present : Sh. Manoj Kumar, Proxy Counsel for applicant/plaintiff.

Sh. Rajesh Raina, Counsel for respondent (E. No. D-528/96) who seeks some time to get instructions from his client as well as to file reply. Put up on 06.10.2016. On request of Counsel for respondent, date is changed to 07.10.2016.

(SAVITA RAO)

ADJ-01/W/01.08.2016.

M-23/16

Rajender Kumar Sehgal vs. Sandeep Kumar Sehgal

01.08.2016

Present : Both parties in person.

Notice of application U/o 9 Rule 9 CPC, as stated, has been received by respondent only yesterday. Sometime is requested to file reply. Copy of reply be supplied in advance to opposite party.

Put up for reply and arguments on 17.10.2016.

(SAVITA RAO)

ADJ-01/W/01.08.2016.

C.S. No. 160/16

Satpal Malhotra and Anr. vs. Mohidner Nath Rakeja and Anr.

01.08.2016

Present : Plaintiff No. 1 with Counsel Ms. Parul Parmar.

None for defendants.

Written statement has also not been filed. Put up for further proceedings on 29.09.2016. Interim order to continue.

(SAVITA RAO)

ADJ-01/W/01.08.2016.

C.S. No. 13/16

Raj Rani Kakar vs. Madhu Seth and Anr.

01.08.2016

Present : Sh. Deepak Jain, Counsel for plaintiff.

As stated, inadvertently, PF could not be filed in time.

On request, adjourned for same purpose on 26.09.2016.

(SAVITA RAO)

ADJ-01/W/01.08.2016.

C.S. No. 401/14

Satpal vs. Yashpal

01.08.2016

PW 1 Satpal S/o Late Sh. Chaman Lal, Aged about 58 years, R/o H. No. A-11, Vikas Nagar, Phase-3, in front of Rajdhani Public School, Uttam Nagar, New Delhi-110059.

ON S.A.

XXXX by Sh. R. Vasudev, Counsel for defendant.

We are two brothers and five sisters. My two sisters reside at Delhi whereas other three are residing at Chandigarh, Ludhiana and Jalandhar. I am on visiting terms with my sisters. I am not on visiting terms with defendant since 2012. Volunteered, my goods are lying at the house of defendant. Presently, I am staying at Nangli Sahab Ashram, Sakoti, Meerut. I am staying at the said Ashram since 2012. It is correct that prior to filing of the present case, I have also filed one another case against the defendant. The same was withdrawn by me. It is correct that I have not filed the documents pertaining to the previous case filed against defendant in the present case. It is correct that my previous case i.e. Suit No. 86/10 was withdrawn by me in the year 2011.

At this stage, an affidavit dated 23.12.1992 along with receipt of the same date has been shown to witness, upon which, witness admits his signatures, which are Ex. PW 1/D-1 and Ex. PW 1/D-2 (OSR).

The signatures of the plaintiff are Mark A on both the documents. My father expired in the year 1999 and mother expired in the year 2012. I am not aware regarding the Will duly registered executed by my late mother Smt. Krishna Vanti on 17.01.2011. Volunteered, I have been deceived by my mother, my brother and sisters. I have impleaded my mother as a party in the present case. It is wrong to suggest that the name of my mother is not mentioned in the array of parties. It is correct that the suit property is situated in the area of PS Uttam Nagar. The mentioning of PS Janak Puri in the plaint has been wrongly mentioned by my Counsel. It is correct that at the time of filing the present case and as on date, I have never been in possession of the suit property. It is wrong to suggest that I have no right in the property left behind by my parents. It is also wrong to suggest that I am trying to extract money from my brother despite having knowledge that I have already taken my share in the year 1992 by executing documents. It is wrong to suggest that I am deposing falsely.

RO&AC

(SAVITA RAO)

ADJ-01/W/01.08.2016.

C.S. No.180/16

Gujarat Cooperative Milk Marketing Feeration Ltd. vs. Jawahar Mal
and Sons Cold Storage Industries and Ors.

01.08.2016

Present : Ms. Seema, Proxy Counsel for Sh. Amit Bansal, Counsel
for plaintiff.

Counsel for defendants.

The matter is fixed up for today for proper order and as
stated, both the Lawyers are not prepared for arguments. On request,
put up for final arguments on 08.08.2016.

(SAVITA RAO)

ADJ-01/W/01.08.2016.

C.S. No. 401/14

Satpal vs. Yashpal

01.08.2016

Present : Plaintiff in person.

Sh. R. Vasudev, Counsel for defendant.

PW 1 cross-examined and discharged.

Two more witnesses as stated by plaintiff are yet to be examined, though it is not clear whether list of witnesses is on record nor affidavits of any other witnesses are on record. Counsel for plaintiff is also not available. On request, put up on 12.12.2016.

(SAVITA RAO)

ADJ-01/W/01.08.2016.

C.S. No. 113/16

Bhim Sain Verma and Anr. vs. Munna Lal Mittal and Ors.

01.08.2016

Present : Counsel for plaintiff.

Defendant No. 3 for himself as well as for other defendants.

Counsel for defendants is not available today and adjournment is sought while submitting that they have always been regular with respect to their appearance. It is submitted by Counsel for plaintiffs that Counsel for defendants never adhered to timings of the Court and that is the reason that cross-examination of other witnesses has been concluded in many dates. It is directed that Counsel for defendants shall remain present at the first call for cross-examination of PW 2 on next date.

Put up on 20.09.2016.

(SAVITA RAO)

ADJ-01/W/01.08.2016.

C.S. No. 145/14

Kamlesh Rani vs. Naresh Kumar and Ors.

01.08.2016

Present : Plaintiff with Counsel Sh. Baldev Raj.

Counsel for defendant No. 1.

Sh. Anurag Sharma, Proxy Counsel for defendant No. 2.

Proxy Counsel for defendant No. 2 has appeared for the first time at third call but defendant No. 2 herself is not present nor any additional affidavit so far has been filed on record. It was submitted in December, 2015 that defendant No. 2 had not contacted the Counsel being not well and today again same excuse is furnished on record. In these circumstances, DE of defendant No. 2 is required to be closed, however, on request of Proxy Counsel for defendant No. 2, last opportunity is permitted subject to cost of Rs. 2,000/-.

It is submitted by Counsel for defendant No. 1 that he is not husband of defendant No. 2 and there is no relationship between defendant No. 1 and defendant No. 2. Defendant No. 1 had also never taken the premises on rent, however, defendant No. 1 himself is not present today and Counsel for defendant No. 1 seeks some time for statement of his client. Though it is submitted by Counsel for plaintiff that the said assertion now made, is contrary to the defence taken in written statement of defendant No. 1.

Put up on 22.09.2016.

(SAVITA RAO)

ADJ-01/W/01.08.2016.

C.S. No. 20/15

Manorama vs. Kamlesh Rani

01.08.2016

Present : Sh. Anurag Sharma, Proxy Counsel for plaintiff.

Defendant with Counsel Sh. Baldev Raj.

Put up with connected matter on 22.09.2016.

(SAVITA RAO)

ADJ-01/W/01.08.2016.

C.S. No. 59/16

Gurdeep Kaur Arora vs. Raghubhir Singh Chawla and Ors.

01.08.2016

Present : Sh. Saumitra Singhal, Counsel for plaintiff.

Sh. Pradeep Mishra, Counsel for defendants No. 1 and 2.

None for defendants No. 3 to 5.

Previous cost paid.

Further arguments addressed on application U/o 7 Rule 11 CPC.

Counsel for defendants No. 1 and 2 has placed reliance upon **Prakash and Ors. vs. Phulavati and Ors. Civil Appeal No. 7271 of 2013** *wherein*, it was observed by Hon'ble Apex Court that “the rights under the amendment are applicable to living daughters of living coparceners as on 9th September, 2005 irrespective of when such daughters are born. Disposition or alienation including partitions which may have taken place before 20th December 2004 as per law applicable prior to the said date will remain unaffected. Any transaction of partition effected, thereafter, will be governed by the explanation.”

The argument advanced by Counsel for defendants No. 1 and 2 that daughter has lost her right on the demise of her father being in year 2003 i.e. prior to amendment is not only misconceived and contrary to law but is also against the spirit of Legislation. Only the disposition or alienation including position having taken place prior to

20.12.2004 shall remain affected, which fact itself is under challenge before this Court. Defendants No. 1 and 2 if succeed to prove issues number (i) and (ii) then there would be no question of further right of plaintiffs but as observed in order dated 26.02.2013, if they fail to prove the same division of property shall be as per entitlement of parties.

The issue having already been discussed vide order dated 26.02.2013, does not require reconsideration. Application U/o 7 Rule 11 CPC accordingly stands dismissed.

It is submitted that matter first of all was fixed up for DE. Counsel for defendant is not prepared for evidence today. Hence, on request, put up for DE on 29.09.2016.

(SAVITA RAO)

ADJ-01/W/01.08.2016.