

MISC. DJ 301/2022
ANJALI BHASIN VS. NEENA MALHOTRA

11.04.2023

Present: Sh. Daniya Khan, Ld. Counsel for plaintiff.
Ms. Priya Pachouri, Ld. Counsel for defendant.

Fresh vakalatnam is filed on behalf of plaintiff / non applicant. Same is taken on record.

It is submitted by Ld. counsel for applicant that in terms of previous order, the applicant was willing to hand over the keys of the suit premises and counsel for the plaintiff was there, but he refused to accept the keys.

It is submitted by Ld. Counsel for non applicant / plaintiff that the counsel does not have the instructions from the plaintiff to receive the keys as the suit property is found to be inhabitable and since the plaintiff has not been in India for the last few months, reply to the application under order 9 rule 13 CPC also could not be filed.

It is noted that almost 3 months time was there to file the reply, failing which, now plaintiff is burdened with the cost of Rs. 5,000/- to be paid to the applicant on the NDOH.

As a matter of last opportunity, let the reply be now filed within 04 weeks from today with advance copy to opposite side.

It is further submitted by Ld. Counsel for applicant / defendant that today also he has brought the keys of the suit property, which Ld. Counsel for plaintiff is unable to accept, without any instructions from plaintiff, the suit property being allegedly inhabitable.

List now for reply / arguments on application under order 9 rule 13 CPC on **03.07.2023 at 12:00 Noon**.

(Navjeet Budhiraja)
ADJ-03/South-East District
Saket Courts, New Delhi/11.04.2023