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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 35/2023 & I.A. 1120/2023**

SMT CHARANJEET KAUR & ORS. Plaintiffs
Through: Mr. Blessan Mathews, Advocate.

versus

MR RAVINDER SINGH AND ORS Defendants
Through: None.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

% **ORDER**
17.05.2023

I.A. 5317/2023(Application on behalf of the plaintiffs under Order VI Rule 17 seeking amendment of the plaint) & I.A.5318/2023 (Application under Order XXII rule 4 for substitution of LR's of defendant No. 1)

1. These applications have been filed for amendment of the plaint consequent upon the death of the defendant No. 1 and for substitution of the defendant No. 1 with his legal heirs.
2. The suit is a partition suit; summons have not yet been issued.
3. It is stated that defendant No. 1 died on 21.12.2022, after the suit had been filed but before it was listed for the first time.
4. Having regard to the fact that summons have not yet been issued, and to the petitioner's averments in the applications, the applications are allowed. The amended memo of parties and amended plaint be placed in the pleadings folder of the suit.

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5. The applications stand disposed of.

I.A. 1119/2023(exemption)

The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.

The application stands disposed of.

CS(OS) 35/2023

1. The amended plaint be registered as a suit. Summons be issued to the defendants by all permissible modes on filing of process fee. *Dasti* service of summons in addition is permitted. Affidavit of service be filed within two weeks.
2. The summons shall indicate that the written statements must be filed within thirty days from the date of receipt of the summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiffs, failing which the written statements shall not be taken on record.
3. The plaintiffs are at liberty to file replications thereto within fifteen days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.
4. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
5. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
6. List before the Joint Registrar for marking of exhibits on



26.07.2023.

7. List before the Court on 27.09.2023.

I.A. 1118/2023(Application under Order XXXIX Rule 1 & 2 for ad-interim ex-parte injunction)

1. Issue notice. Notice be issued to the defendants by all permissible modes. *Dasti* service of notice in addition is permitted. Affidavit of service be filed within two weeks.

2. Reply to the application be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

3. List on 27.09.2023.

PRATEEK JALAN, J

MAY 17, 2023

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