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

+ **CS(OS) 42/2024, I.A.7111/2024, I.A. 7179-7180/2024**

M/S KAUSHALYA PREM BHATIA TRUST AND ORS.... Plaintiffs

Through: Mr. Manu Nayar and Ms. Swati Bansal, Advocates.

versus

RAJINDER MEHTO Defendant

Through: Mr. Prakash Kumar and Mr. Mehak Ahuja, Advocates for Mr. Rajinder Mehto, defendant.

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+ **TEST.CAS. 90/2016, CRL.M.A. 34087/2023, I.A. 1106-1107/2020, I.A. 16001/2022, I.A. 24976/2023**

SH RAJINDER MEHTO Petitioner

Through: Mr. Prakash Kumar and Mr. Mehak Ahuja, Advocates for Mr. Rajinder Mehto, petitioner.

versus

STATE (NCT OF DELHI) Respondent

Through: Mr. Prashant Manchanda, ASC, GNCTD with Ms. Nancy Shah and Ms. H. Medha.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **10.05.2024**

I.A. 2779/2024 (under Order XXXIX Rule 2A filed by the plaintiff for violation of the Order dated 25.11.2021 passed by the learned Civil Judge in SCJ No. 1189/2018) and I.A. 7110/2024 (under Order 12 Rule 6 CPC filed by the plaintiffs) in CS(OS) 42/2024



1. The application bearing I.A. No. 2779/2024 under Order XXXIX Rule 2A has been filed on behalf of the plaintiff for violation of the Order dated 25.11.2021 passed by the learned Civil Judge in SCJ No. 1189/2018 and the application bearing I.A. No. 7110/2024 under Order 12 Rule 6 CPC has been filed on behalf of the plaintiff.

2. Issue notice.

3. Notice is accepted by learned counsel for the defendant.

4. Reply be filed within eight weeks with copy to the opposite counsel.

5. Be listed before this Court on the date already fixed i.e. 16.07.2024.

I.A.7115/2024 (under Section 151 CPC for Exemption from filing of apostilled affidavit of the trustee of the respondent trust) in TEST.CAS. 90/2016 in TEST.CAS. 90/2016

6. The application under Section 151 CPC has been filed for exemption from filing of apostilled affidavit of the trustee of the respondent trust.

7. Learned counsel appearing on behalf of the respondent No. 2 undertakes to file the affidavit duly apostilled within three weeks.

8. The application is accordingly disposed of.

I.A. 7114/2024 (under Order VII Rule 11 read with Order 12 Rule 6 CPC filed on behalf of the respondent No. 2 for dismissal of the probate petition filed by the petitioner) in TEST.CAS. 90/2016

9. The application under Order VII Rule 11 read with Order 12 Rule 6 CPC read with Section 151 CPC has been filed on behalf of the respondent No. 2 for dismissal/rejection of the Petition.

10. Issue notice.

11. Notice is accepted by learned counsel for the petitioner.

12. Reply be filed within eight weeks with copy to the opposite counsel.



13. Be listed before this Court on the date already fixed i.e. 16.07.2024.

NEENA BANSAL KRISHNA, J

MAY 10, 2024/RS