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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(COMM) 12/2016

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M/S SHRI SAI NATH ENTERPRISES & OTHERS Plaintiff

Through Mr. Rajesh Gupta & Mr. Harpreet
Singh, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Defendant

Through Mr. Mukesh Gupta, Standing Counsel
for NDMC

CORAM:

ASHUTOSH KUMAR (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER

% **06.09.2016**

CS(COMM) 12/2016

No replication has been filed by plaintiffs.

Learned counsel for plaintiffs has submitted that he had filed FAO(OS) Comm. 3/2016, which is fixed for hearing before the Hon'ble Division Bench on 16.09.2016 and outcome of same will have effect on the contents of replication to be filed. He has accordingly requested that the matter may be adjourned and opportunity may be granted to the plaintiff to file replication immediately after disposal of FAO (OS) Comm. 3/2016.

Vide order dated 18.04.2016, the Hon'ble Court had directed that the replication, if any, be filed within two weeks, while fixing the matter for marking of exhibits before this Court on 13.07.2016 and matter was fixed before the Hon'ble Court for 19.09.2016 for framing of issues.

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No such aforesaid plea was taken by the plaintiffs before the Hon'ble Court on 18.04.2016. Further vide order dated 13.07.2016, four weeks time was again granted to the plaintiffs to file replication. Hence no justifiable ground for grant of further opportunity to plaintiffs to file replication is made out. Accordingly right to file replication is closed.

Since no affidavits qua admission/denial of documents have been filed by the parties and next date of 19.09.2016 fixed before the Hon'ble Court is short, therefore learned counsels for the parties are directed to carry out admission/denial of documents of each other today itself in the Court.

Learned counsel for defendants has sought pass over for 11.30 a.m. for brining the original documents for the purpose of admission/denial. However learned counsel for plaintiffs has submitted that he will not be available at second call and hence cannot carry out the admission/denial of documents of defendants today. The matter is passed over for 11.30 a.m.

At 11.30 a.m.

Learned counsel for plaintiffs has now stated that the documents filed by the defendants do not pertain to him and hence admission/denial of same cannot be carried out. The said fact is recorded accordingly.

Learned counsel for defendants has carried out admission/denial of documents of plaintiffs and has admitted 19

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documents, which are marked as Ex.P-1 to Ex.P-19 and has denied rest of the documents.

Admission/denial stands complete, accordingly.

List the matter before the Hon'ble Court on date already fixed i.e. on 19.09.2016, for further directions.

ASHUTOSH KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

SEPTEMBER 06, 2016/ab