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

**CS(OS) 149/2023**

**SMT KAMLESH**

..... Plaintiff

Through: Mr. Cyril Ignatious, Adv. (joined  
through VC)

Versus

**SMT SANTOSH & ORS.**

..... Defendants

Through: Mr. Harish, proxy cl. for D-2  
Mr. Himanshu Chugh, Adv. for  
D-3

**CORAM:**

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA  
MAHENDRA, (DHJS)**

**ORDER**

% **19.03.2024**

**CS(OS) 149/2023**

Vide order dated 06.09.2023, the right of the  
defendant no.1 to file Written Statement has already been  
forfeited.

**Pleadings qua defendant no.2,3,4 & 5 are already  
complete.**

The plaintiff has not complied with the last order  
dated 20.12.2023 and has not filed Additional Affidavit of  
Admission/Denial of the documents in respect of  
additional documents of defendnat no.3. At this stage, it is  
stated by learned proxy counsel for the plaintiff that Mr.  
Tiwari, counsel for the plaintiff, is paralysed and therefore,  
compliances were not being made by the plaintiff and  
seeks some time for the same. The submission is objected  
by learned counsel for the defendant no.3, who submits  
that there are number of counsels who are representing the



plaintiff as per record. One Mr. Y. R. Sharma, Advocate, appeared on behalf of the plaintiff and even argued the application bearing IA no.26203/2023 before the court on 22.12.2023. However, compliances have not been done with respect to the order dated 20.12.2023 by taking false medical ground of one of the counsel. No plausible explanation is furnished by learned proxy counsel for the plaintiff for not complying the order dated 20.12.2023. No ground is made out to give further opportunity. Solely, in the interest of justice and subject to imposition of cost of Rs.4000/-, out Rs.2000/- to be deposited with Delhi High Court Legal Services Committee and Rs,1000/- each to be paid to defendant no.2&3.

It is stated by learned counsel for the plaintiff that vide order dated 22.12.2023, application filed by the plaintiff seeking permission to file additional documents on record was allowed by the Hon'ble Court. So, the defendants are at liberty to file Additional Affidavit of Admission/Denial of the documents in respect of the said additional documents filed by the plaintiff.

Despite the order dated 20.12.2023, the defendant no.3 has not filed fresh/proper Affidavit of Admission/Denial of the documents in the prescribed format as per Chapter VII of Delhi High Court (Original Side) Rules. No ground is made out to give further opportunity to the defendant no.3 for the same. Solely, in the interest of justice and subject to imposition of cost of Rs.1500/- to be deposited with Delhi High Court Legal Services Committee, the last and final opportunity is granted to the defendant no.3 to file fresh/proper Affidavit



of Admission/Denial of the documents in the prescribed format as per Chapter VII of Delhi High Court (Original Side) Rules within two weeks with copy to the opposite side.

The defendant no.4&5 have also not filed fresh/proper Affidavit of Admission/Denial of the documents in the prescribed format as per Chapter VII of Delhi High Court (Original Side) Rules. None is present on behalf of defendant no.4&5 today to explain in this regard. So, cost of Rs.1500/- is imposed upon the defendant no.4&5 to be deposited with Delhi High Court Legal Services Committee and now the last and final opportunity is granted to the defendant no.4&5 to file fresh/proper Affidavit of Admission/Denial of the documents in the prescribed format as per Chapter VII of Delhi High Court (Original Side) Rules within two weeks with copy to the opposite side.

Thereafter, the plaintiff is directed to file soft copy as well as physical copy of fresh Joint Schedule of the documents compatible with fresh Affidavit of Admission/Denial of the documents filed by the parties, at least two weeks before the next date of hearing.

Re-notify the matter for completion of pleadings/further proceedings on the next date of hearing.

**IA NO.4302/2023 (Stay) moved by the plaintiff**

**Pleading qua defendant no.3 are already complete.**

It is stated by learned counsel for the defendant no.2 that he does not wish to file any reply to the captioned IA.

No reply to the captioned IA has been filed by



defendant no.1 and 4&5 till date despite opportunity. So, the right of defendant no.1,4&5 to file reply is ordered to be closed.

Re-notify the captioned IA on 22.07.2024.

**PRIYA MAHENDRA (DHJS)**  
**JOINT REGISTRAR (JUDICIAL)**  
**MARCH 19, 2024/ab**  
*Click here to check corrigendum, if any*