



\$~4
*
+

IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(OS) 61/2021
HARISH GUPTAPlaintiff

Through: Mr. Shiv Charan Garg, Ms.
Jahanvi Garg & Ms. Arshia Jain,
Advs.

Versus

PRADEEP GUPTA & ANR.Defendants

Through: Mr. Arindam Bhardwaj, Mr.
Ramesh Kumar, Advs. for D-1
(joined through VC) with D-1 in
person (physically)

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)

ORDER

% **10.09.2024**
IA No. 11688/2019 u/s 151 CPC for taking on record
hard copy of CD by plaintiff; and
IA No. 4378/2023 u/s 151 CPC for modification of
order dated 13.01.2023

1. It is stated by learned counsel for the plaintiff that pursuant to order dated 13.01.2023, the order was passed on 21.02.2024 directing the plaintiff to supply copy of CD to defendant no.1 presuming that the same has not been supplied till date to the defendnat no.1. However, the plaintiff has filed the captioned IA bearing IA no.4378/2023 specifically to show that transcript of CD alongwith copy of CD was supplied to learned counsel for the defendant no.1 on 05.03.2020 itself after receiving legal demand notice dated 03.10.2019 from the defendant no.1 for supplying the same. He submits that he has already filed acknowledgement of Sh. Munish Gupta, Adv.



for D-1 dated 05.03.2020, wherein he specifically acknowledged Receipt of the copies of CD and its transcript. He also submits that now it does not lie in the mouth of defendant no.1 to contend the contrary in view of clear Receiving/Acknowledgment of learned counsel for the defendant no.1 dated 05.03.2020. Receiving copy of CD is, however, denied by learned counsel for the defendant no.1.

2. Heard. I have carefully considered the submissions and perused the records. In view of clear Receipt/Acknowledgment of learned counsel for the defendant no.1 dated 05.03.2020, he is estopped from denying receipt of copy of CD already supplied to learned counsel for the defendant no.1. Hence, the plaintiff cannot be directed again to supply the same to learned counsel for the defendant no.1. Accordingly, both the captioned IAs are allowed as prayed for.

IA No. 11222/2020 u/O XI R.14 CPC by plaintiff

3. Pleadings are already complete.

Learned counsel for the defendant no.1 is directed to appear physically for addressing the arguments on the captioned IA.

IA No. 364/2021 u/O XI R.2 and 14 CPC by plaintiff

4. Pleadings are already complete.

Learned counsel for the defendant no.1 is directed to appear physically for addressing the arguments on the captioned IA.

IA No. 8443/2023 u/s 152 and 153 CPC by defendant no.1

5. Reply has not been filed by the plaintiff. At request,



reply be filed by the plaintiff within two weeks as a last and final opportunity with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

Re-notify the captioned IA for completion of pleadings on 10.01.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
SEPTEMBER 10, 2024/ab
Click here to check corrigendum, if any