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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 179/2014; I.A.No.15738/2023 (under Order VI Rule 17 CPC by defendant no.2 (c) & I.A.No.24061/2023 (under Order XII Rule 6 r/w Section 151 CPC filed on behalf of defendant no.2 (a) & 2 (b) for passing preliminary decree of partition of property bearing No.211, Jor Bagh, New Delhi)

SURINDER SINGH REKHI

.....Plaintiff

Through: Mr. Anil Sharma, Mr. Arpit Sharma & Mr. Sankalp Mishra,
Advs. (Mobile
No.annisharma13@gmail.com)

versus

DR. T.S. REKHI & ORS

.....Defendant

Through: Ms. Babita Seth, Adv. for D-2 (a) & 2 (b) [e-mail ID babita2000@gmail.com & Mobile No. 9811235539]
(appeared through VC)
Mr. Keshri Kumar, Adv. for D-2 (c)
Mr. Kirtiman Singh, CGSC with Mr. Waze Ali Noor & Ms. Vidhi Jain, Advs. for L&DO
Mr. Divij Andley, Adv. for D-8 (b) (appeared through VC) (e-mail ID siddharth_khattar@yahoo.com)
Mr. Karan Kumar, Adv. for D-8 (c) & 8 (e)

CORAM:

JOINT REGISTRAR (JUDICIAL) SH. MANISH SHARMA, (DHJS)

ORDER

28.02.2024

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CS(OS) 179/2014

1. Right of the defendant no.2 (a) & 2 (b) to lead evidence



was closed vide order dated 07/08/2023.

2. The matter is at the stage of evidence of defendant no.2 (c) & 2 (d).
3. Perusal of record shows that defendant no.2 (c) & 2 (d) have not filed evidence by way of affidavit of the witnesses despite directions.
4. Learned counsel for defendant no.2 (c) & 2 (d) submits that he has filed evidence by way of affidavit along with an application seeking permission to place on record evidence by way of affidavit.
5. Perusal of record further shows that only an application bearing IA No.4676/2024 seeking permission to place on record evidence by way of affidavit has been filed and evidence affidavit are not on record.
6. Learned counsel for plaintiff as well as learned counsels for the remaining defendants submit that since the defendant no.2 (c) & 2 (d) have failed to file evidence by way of affidavit, their right to lead evidence may be closed.
7. Arguments heard. Record perused.
8. In view of the fact that the defendant no.2 (c) & 2 (d) have failed to file evidence by way of affidavit despite directions, right of the defendant no.2 (c) & 2 (d) to file evidence by way of affidavit is closed.

I.A.No.4676/2024 (under Section 151 CPC filed on behalf of defendant no.2 (c) seeking place on record evidence by way of affidavit)

9. Learned counsels for the non-applicants submit that they have not received advance copy of the captioned IA. They further submit that the captioned IA may be



placed before the Hon'ble Court on the date already fixed and they will make appropriate submissions before the Hon'ble Court.

10. At joint request, list the matter before the Hon'ble Court for further directions on the date already fixed i.e. **19th March, 2024.**

MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 28, 2024/nk
Click here to check corrigendum, if any