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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(OS) 117/2021
LEENA IMRAN & ANR.Plaintiffs

Through: Mr. M. Tarique Siddiqui, Mr.
Sunil Verma, Mr. Abhishek
Kumar Tanwar & Ms. Lakshmi,
Adv.

Versus

DEEBA IKRAM @ DEEBA KHAN & ORS.
.....Defendants

Through: Mr. Ashwini Kumar, Adv. for
D-1 (joined through VC)
Mr. Sureshtu Jain, Adv. for D-3
(joined through VC)
Mr. Arun K. Sharma, Adv. for
D-4

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

ORDER

% 14.01.2025

IA No.49639/2024 under Section 151 CPC moved by
the defendant no.1

1. At this stage, it is pointed out by learned counsel for the defendant no.1 that he has filed the captioned IA and the same has been placed by the Hon'ble Court before this court.
2. Learned counsel for the plaintiff submits that he has no objection to the captioned IA.
3. Heard. In view of above and in view of reasons mentioned in the application, the captioned IA stands allowed as prayed for.
4. However, it is brought to my notice by learned counsel for the plaintiff that the documents filed by the



defendant no.1 are not on record and lying under objections. Here, I am constrained to note that learned counsel for the defendant no.1 has not rendered proper assistance to the court whereby the precious judicial time has been wasted. Be as it may, the defendant no.1 is directed to take requisite steps within two weeks to bring the aforesaid documents on record, failing which the defendant no.1 will deposit cost of Rs.3,000/- with Delhi High Court Legal Services Committee.

5. Accordingly, the captioned IA stands disposed of.

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6. Vide order dated 19.09.2024, Amended Written Statement filed by the defendant no.1 was taken on record. However, it is pointed out by learned counsel for the plaintiff that the defendant no.1 has not filed any Affidavit of Admission/Denial qua documents of the plaintiff till date. Accordingly, the right of the defendant no.1 to file Affidavit of Admission/Denial qua documents of the plaintiff is ordered to be closed and the hence, the documents filed by the plaintiff shall be deemed to be admitted by the defendant no.1.

7. It is stated by learned counsel for the plaintiff that due to the captioned IA No.49639/2024 filed by defendant no.1, he has not filed Replication alongwith Affidavit of Admission/Denial of the documents. So, the plaintiff is directed to file Replication and Affidavit of Admission/Denial of the documents in respect of the documents which are taken on record vide order of even date filed by defendant no.1, within stipulated period with copy to the opposite side.



8. Vide order dated 19.01.2023, the defendant no.2 has been deleted.

9. As per record, amended Written Statement filed by defendant no.3 is on record. However, on perusal of Affidavit of Admission/Denial of the documents filed by the defendant no.3, it is found that in number of the documents, the remark given in Admission/Denial Affidavit is that “Not admitted being a matter of record” which means the said documents are admitted by defendant no.3. The defendant no.3 submits that the documents having such remark are admitted by him. So, in the Joint Schedule of the documents, the plaintiff shall reflect the said documents as admitted by defendant no.3.

10. However, the plaintiff has not filed Replication alongwith Affidavit of Admission/Denial of the documents to the Written Statement filed by defendant no.3 to the amended plaint till date despite being the opportunity granted by the Hon’ble Court vide order dated 18.10.2024. So, in view of judgment in **“Ram Swarup Lugani & Anr. Vs. Nirmal Lugani & Ors.”**, 2020 SCC OnLine Del 1353, the right of the plaintiff to file Replication alongwith Affidavit of Admission/Denial of the documents is ordered to be closed.

11. Further, as per record, amended Written Statement filed by defendant no.4 is on record. The defendant no.4 has filed the revised Affidavit of Admission/Denial of the documents. However, on perusal of the same, it is found that for judicial orders relied upon by the plaintiff, the defendant no.4 has neither admitted the said order nor denied the same stating that the said documents do not



required Admission/Denial being judicial orders. At this stage, learned counsel for the defendant no.4 submits that he wants to admit the said judicial orders also. He is directed to file revised/proper Affidavit of Admission/Denial of the documents only with respect to the judicial orders within two weeks with copy to the opposite side.

12. It is stated by learned counsel for the plaintiff that he has received the revised Affidavit of Admission/Denial from defendant no.4 only on 10.01.2025 and hence, he could not file the Replication.

13. On receipt of fresh/revised Affidavit of Admission/Denial of the documents as ordered to be filed again by defendant no.4 today, the plaintiff will file Replication alongwith Affidavit of Admission/Denial of the documents within stipulated period as per law with copy to the opposite side.

14. The plaintiff is directed to share draft of Joint Schedule of the documents with learned counsel for the defendants within two weeks. Learned respective counsel for the defendants are directed to provide their inputs, if any, to the draft of Joint Schedule of the documents to learned counsel for the plaintiff within one week thereafter. The plaintiff is directed to file soft copy as well as physical copy of Joint Schedule of the documents within one week thereafter with copy to the opposite side.

15. The parties are directed to file hard copy of the documents of which e-copy already filed on record within three weeks.

Since the date before the Hon'ble Court is short, the



matter may be placed before the Hon'ble Court on date fixed i.e. 17.02.2025, for further directions.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 14, 2025/ab
Click here to check corrigendum, if any