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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 117/2021

LEENA IMRAN & ANR.

.....Plaintiffs

Through: Mohd. Bilal & Mr. Fajallu
Rehman, Advs.

versus

DEEBA IKRAM @ DEEBA KHAN & ORS.

.....Defendants

Through: Mr. Ashwini Kumar & Mr.
Arbaaz Khan, Advs. For D-1

CORAM:

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

ORDER

% **24.03.2025**

**I.A. 4522/2025 (moved by defendant no.1- reinstate the
right of defendant no.1 to file the Affidavit of
Admission/Denial of the documents)**

1. At the outset, learned counsel for the plaintiff is asked whether he wants to file reply to the captioned IA. He submits that he wants to argue the same directly.

2. Part arguments heard. At this stage, learned counsel for the plaintiff submits that he has not been supplied copy of the captioned IA. However, this submission was not made before arguments. The proof of service is also filed alongwith the captioned IA, which shows that the copy of the captioned IA has been duly served upon the plaintiff. So, learned counsel for the plaintiff has wasted the precious judicial time of the court. So, cost of Rs.3000/- is imposed upon the plaintiff to be deposited with Delhi High Court Legal Services Committee.

Re-notify the captioned IA for further arguments on the next date of hearing.

CS(OS) 117/2021

3. Vide order dated 19.09.2024, Amended Written Statement filed by the defendant no.1 was taken on record.



Further, vide order dated 14.01.2025, the right of the defendant no.1 to file Affidavit of Admission/Denial qua documents of the plaintiff was ordered to be closed and the hence, the documents filed by the plaintiff were directed to be deemed to be admitted by the defendant no.1. However, an application bearing IA no.4522/2025 filed by defendant no.1 for reinstates the right of defendant no.1 to file the Affidavit of Admission/Denial of the documents is pending consideration.

4. As per office note, Replication to the Written Statement of defendant no.1 to the amended plaint alongwith Affidavit of Admission/Denial of the documents filed by the plaintiffs is on record. However, Affidavit of Admission/Denial is not as per the Commercial Courts Act. So, the plaintiffs are directed to file Revised Affidavit of Admission/Denial of the documents in the prescribed format strictly as per law within three weeks with copy to the opposite side.

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

6. As per record, amended Written Statement filed by defendant no.3 is on record.

7. The right of the plaintiff to file Replication alongwith Affidavit of Admission/Denial of the documents to the Written Statement filed by defendant no.3 has already been ordered to be closed vide order dated 14.01.2025.

8. As per record, amended Written Statement filed by defendant no.4 is already on record. The defendant no.4 has also filed some documents in the present matter.



9. As per office note, Revised Affidavit of Admission/Denial of the documents filed by defendant no.4 is on record.

10. Vide order dated 14.01.2025, the plaintiff was directed to file Replication alongwith Affidavit of Admission/Denial of the documents qua defendant no.4 on receipt of revised Affidavit of Admission/Denial of the documents filed by the defendant no.4. Proof of service is also filed by defendant no.4 alongwith Revised Affidavit of Admission/Denial of the documents which shows that Revised Affidavit of Admission/Denial of the documents filed by defendant no.4 has been duly served upon the plaintiff on 17.01.2025 through email. However, till date, the plaintiff has not filed any Replication and Affidavit of Admission/Denial of the documents to the same. So, in view of judgement rendered in **“Ram Swarup Lugani & Anr. Vs. Nirmal Lugani & Ors.”**, 2020 SCC OnLine Del 1353, the right of the plaintiff to file Replication and Affidavit of Admission/Denial of the documents qua defendant no.4 is ordered to be closed. Accordingly, documents of defendant no.4 shall be deemed to be admitted by the plaintiff.

11. 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 either to provide their inputs, if any, to the draft of Joint Schedule of the documents or to provide the signed copy of Joint Schedule 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.

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

Re-notify the matter for marking of exhibits to the documents on 20.05.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
MARCH 24, 2025/ab
Click here to check corrigendum, if any