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

+ CS(OS) 199/2023

SUNITA CHOUDHARY

..... Plaintiff

Through: Mr. H.S. Phoolka, Sr. Advocate
with Mr. Jai Shankar, Ms. Nandita
Rao, Ms. Surpreet Kaur, Ms.
Sarita, Advocates with plaintiff in
person.

versus

SH. SANJAY MALHOTRA & ORS.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **15.05.2023**

I.A. 8670/2021 (under Order VI Rule 17 of CPC) & I.A. 8671/2023
(under Order VII Rule 14 of CPC)

1. The plaintiff has filed these two applications for amendment of the plaint and for placing on record certain additional documents.
2. The suit is at a preliminary stage; summons have not yet been issued.
3. In the amendment application, the plaintiff seeks to include a challenge to a Relinquishment Deed dated 28.09.2002, which, according to her, was left out inadvertently. The additional documents sought to be placed on record relate to legal proceedings pending between the parties.
4. In view of the above, and considering that the suit is at a preliminary stage, the applications are allowed.



I.A. 5809/2023 (for exemption)

The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.

The application stands disposed of.

CS(OS) 199/2023

1. The amended plaint be registered as a suit. The Registry is directed to place the amended plaint in the pleadings folder of the suit record.
2. Summons be issued to the defendants by all permissible modes on filing of process fee. *Dasti* service of summons, in addition, is also permitted. Affidavit of service be filed within ten days.
3. The summons shall indicate that the written statements must be filed within thirty days from the date of receipt of the summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.
4. The plaintiff is at liberty to file replications thereto within fifteen days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.
5. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
6. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
7. List before the learned Joint Registrar for marking of exhibits on



12.07.2023.

8. List before the Court on 23.08.2023.

I.A. 5808/2023 (under Order XXXIX Rules 1 and 2 of CPC)

1. Issue notice. Notice of the application be served upon the defendants by all permissible modes. *Dasti* service in addition is also permitted. Affidavit of service be filed within ten days.

2. Replies to the application may be filed within four weeks. Rejoinder thereto, if any, may be filed within two weeks thereafter.

3. Mr. H.S. Phoolka, learned Senior Counsel for the plaintiff, does not press for *ad-interim* orders at the *ex-parte* stage.

4. List on 23.08.2023.

I.A. 5810/2023 (under Section 151 of CPC for seeking exemption from service upon defendants)

In view of the order passed in I.A. 5808/2023, this application is not pressed.

The application stands disposed of as not pressed.

PRATEEK JALAN, J

MAY 15, 2023

“Bhupi”/