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

+ CS(OS) 136/2021 and IA No. 3337/2021 (application filed by the plaintiff u/O XXXIX Rules 1 and 2 r/w Section 151 CPC for ad-interim ex-parte injunction orders) and IA No. 8658/2021 (application filed by defendants u/O XIV Rule 1 r/w Order XIV Rule 3, r/w Section 151 CPC seeking framing of preliminary issues)

MR. JAGAT NARAIN MEHRA

..... Plaintiff

Through: Mr. Siddharth Arora, Advocate
appeared physically

versus

MR. PRAKASH KISHORE & ORS.

..... Defendants

Through: Mrs. Yugandhara Pawar Jha, Mr.
Harshvardhan Jha, Mr. Aman Pathak,,
Advocates for Defendant nos. 1 to 4
appeared physically

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH,
(DHJS)**

ORDER

07.10.2022

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Matter is taken up through physical hearing as well as video conferencing.

IA No. 10546/2022 (application filed by the plaintiff u/O VI Rule 18 CPC r/w Rule 3, Rule 8 of Chapter VII of the Delhi High Court (Original Side) Rules, 2018 further r/w Section 151 CPC for taking off record the amended written statement dated 05.04.2022 and further appropriate orders)

Part arguments on the application heard.

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Learned counsel for the plaintiff has stated that affidavit of admission/denial filed by defendant is not as per Rules of CPC as well as Original Side Rules 2018 of the Hon'ble Delhi High Court and it is merely a vague denial of documents of the plaintiff.

Learned counsel for defendant undertakes to file fresh affidavit of admission/denial within two weeks as per the rules and prescribed format, with the advance copy to the opposite parties.

Learned counsel for the plaintiff has also taken objection that certain new documents have been filed by the defendants alongwith affidavit of admission/denial without prior permission from the court.

On the other hand, learned counsel for defendants has stated that no new document with the amended written statement has been filed, and the copy of the documents already filed with the original written statement, has been re-filed with index, alongwith amended written statement, for convenience of the court.

Keeping in view abovestated submissions of learned counsel for defendants, it is directed that if any new documents have been filed by defendants with amended written statement without prior permission of the court, the same may be taken off the record.

Learned counsel for the plaintiff has further objected that there is delay of one day in filing amended written statement as per time granted by the Hon'ble Court.

Heard. Keeping in view the abovestated facts and circumstances and the delay caused in the case, the application stands allowed, subject to cost



of Rs. 2,000/- to be deposited by defendant with Delhi High Court Legal Services Committee, within two weeks.

IA stands disposed off.

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Amended written statement has been taken on record today. Replication alongwith affidavit of admission/denial be filed within four weeks with advance copy to the opposite parties.

Learned counsel for defendants is directed to file revise affidavit of admission/denial in support of his amended written statement, as per the prescribed format and rules, within two weeks with advance copy to the learned counsel for the plaintiff.

Joint Documents Schedule be filed within four weeks. Both the parties are directed to file original signed pleadings and hard copies of the documents on record within four weeks. Both the parties are directed to appear alongwith original documents for marking of exhibits on the documents on the next date of hearing. The concerned official is directed to complete the file in all respects before the next date of hearing.

Put up for admission/denial and for marking of exhibits on 12th January, 2023.

**TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 7, 2022
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