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

+ **CS(OS) 287/2024**

SHRI BISHAN SINGH

..... Plaintiff

Through: Mr. Sandeep Sharma, Mr. Amit Choudhary, Mr. Mritunjay Kr. Singh, Mr. Sarthak Manan, Mr. Aman Dhyani, Ms. Kavya Dauk, Ms. Bhawna, Mr. Ayush Khasna, Mr. Saikat Khatna, Advocates.

versus

SMT. RAM KAUR & ORS.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.04.2024

I.A. 7977/2024 (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) 287/2024

1. The plaint be registered as a suit. Issue summons to the defendants by all permissible modes on filing of process fee. *Dasti* service in addition is permitted. Affidavit of service be filed within ten days.
2. The summons shall indicate that written statements must be filed within thirty days from the date of receipt of 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.

3. The plaintiff is at liberty to file replications thereto within thirty 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.

4. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

5. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

6. List before the Joint Registrar for completion of service and pleadings, marking of exhibits and admission/denial of documents on 27.05.2024.

7. List before the Court on 14.05.2024.

I.A. 7976/2024 (application under Order XXXIX Rule 1 &2, CPC) & I.A. 7978/2024 (application for exemption from advance service)

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

2. Replies to the applications may be filed within one week after service. Rejoinder thereto, if any, may be filed within one week thereafter.

3. Mr. Sandeep Sharma, learned counsel for the plaintiff, reserves the right of the plaintiff to seek interim orders after the appearance of the defendants.



4. The plaintiff seeks specific performance of an Agreement to Sale dated 01.07.2023. The document relied upon by the plaintiff suggests that a sum of Rs.2.7 crores was paid by the plaintiff to the defendants in cash. The Court will consider the question of whether the matter is required to be referred to the Income Tax authority for appropriate action in view of the potential violation of Sections 269SS and 269ST of the Income Tax Act, 1961 on the next date of hearing.
5. List on 14.05.2024.

PRATEEK JALAN, J

APRIL 16, 2024
“Bhupi”/