



\$~16

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

+ **TEST.CAS. 40/2023**

URMIL VASHIST

.....Plaintiff

Through: Ms. Chandrika Gupta, Adv.

versus

THE STATE & ORS.

.....Defendant

Through: Mr. Abhinav Garg, Panel Counsel
for GNCTD with Ms. Janhavi D.
Adv. for R-1 (through VC).

Ms. Beenashaw Soni, ASC & Ms.
Ann Joseph, Advs. for R-2/DDA.

Mr. Amit Kumar Arichwal, AR for
R-3.

Mr. Prabhat Kumar, Adv. for R-4
(Mob. No. 9716141237) (through
VC).

Mr. Gurtejpal Singh, Ms. Gaurangi
Khanna, Advs. for R-5.

None for R-6 & 7.

Right of R-6 to file objections was
already closed vide order dated
24.01.2024.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)**

ORDER

27.05.2024

%

Proceedings are being conducted through hybrid mode.

**I.A. No. 29498/2024 (by petitioner u/O I Rule 10(2) CPC
for deletion of name of respondent no.3 from array of
parties in terms of settlement dated 29.11.2023)**

1. The matter has been taken up today on filing of the
captioned IA.



2. It is submitted that the matter is coming up for hearing before the undersigned on 27.05.2024.
3. It was already submitted on behalf of the respondents no.2 & 3 that they did not wish to file any reply to the captioned IA and have no objection if same is allowed.
4. Ld. Counsel for respondents appearing today submit that they have no objection if the captioned IA is allowed.
5. Pleadings qua the captioned IA are complete.
6. Ld. Counsel for petitioner submits that the petitioner and respondent no.3 have arrived at an amicable settlement agreement dated 29.11.2023 and in terms of the above said settlement agreement, the petitioner has received a cheque for Rs. 6,71,610/- from the respondent no.3 and the same has already been encashed. He further submits that now the petitioner has no claim whatsoever left qua the respondent no.3 and hence, the name of respondent no.3 is to be deleted from array of parties.
7. Heard. For the reasons stated in the application and in view of the submission made on behalf of the parties, the present application is allowed and name of respondent no.3 is deleted from array of parties. Let amended memo of parties be filed within four weeks.
8. The captioned IA stands disposed off accordingly.

TEST.CAS. 40/2023 &

I.A. No. 10146/2023 (by petitioner u/O XXXIX Rules 1 & 2 r/w Section 151 of CPC)

9. Citations are already on record.
10. As per office noting, court notice issued to the respondent no.1 has been served.
11. Office noting further shows that notice sent to SDM, Janak Puri has been served, however, valuation report of



property stated in Schedule-B has not been filed till date. Time sought on behalf of respondent no.1. Let valuation report with respect to property stated in Schedule-B be filed within four weeks as last opportunity.

12. Office noting shows that vakalatnama has been filed on behalf of respondent no.2 vide diary no.1570565/2023.
13. Valuation reports with respect to properties mentioned in Schedule-C to G have not been filed by the petitioner in terms of order dated 25.05.2023.
14. Office noting further shows that documents with list of documents were filed on behalf of petitioner vide diary no.1641183/2024. However, the same is not on record. Let appropriate steps be taken as per law.
15. Short affidavit has already been filed on behalf of the respondent no.4 vide diary no.1964813/2023.
16. Ld. Counsel for petitioner submits that she has still not received copy of the short affidavit filed on behalf of the respondent no.4. On the other hand, Ld. Counsel for respondent no.4 submits that he has already supplied the same on 23.05.2024. Ld. Counsel for plaintiff seeks time to verify the same.
17. Office noting shows that reply filed on behalf of the respondent no.2/DDA vide diary no.1865961/2023 and 155135/2024 were returned under objection. Let needful in this regard be done as last opportunity.
18. Ld. Counsel for respondent no.5 has submitted that she has filed short affidavit vide diary no.1664976/2024. However, the same not on record. Let appropriate steps be taken as per law.
19. Objections, affidavit of admission/denial and reply to the



captioned IA have not been filed on behalf of respondent no.7.

20.Ld. Counsel for petitioner has submitted that respondent no.7 was served with notice of the petition through speed post on 5.10.2023 and till date, he has not filed objections and affidavit of admission/denial of documents and hence, right of respondent no.7 to file the same may be closed.

21.Heard. Perusal of record shows that service of notice of the captioned IA was effected upon the respondent no.7 through speed post on 05.10.2023 and AD card having signature of recipient alongwith stamp of respondent no.7, is on record. Perusal of record further shows that sufficient opportunities have already been granted to the respondent no.7 for filing objections, reply to captioned IA and affidavit of admission/denial of documents, but the same has not been filed till date. Hence, right of the respondent no.7 for filing objections, reply to captioned IA and affidavit of admission/denial of documents stands closed.

22.No reply to the captioned IA has been filed on behalf of respondents no.2 to 6 despite last opportunity. Right of the said defendants to file reply to the captioned IA stands closed.

23.Re-notify the matter for completion of pleadings and further proceedings on **13th August, 2024.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MAY 27, 2024/v

Click here to check corrigendum, if any