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

+ **CS(OS) 224/2020 and I.A. Nos. 7379/2023 and 7380/2023**

MRS. RAJBALA SAIN AND ORS

..... Plaintiffs

Through: Mr.Rohit Aggarwal, Advocate
(ThroughVC)

versus

MR. C.L. SAIN AND ORS

..... Defendants

Through: Mr.____, Advocate for D-1 to 9
(appearance not given)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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20.04.2023

O.A. No. 40/2023

1. The appellant, i.e., the defendant No.1 vide the present O.A. has sought the quashing/setting aside of the impugned order dated 9th November, 2022 whereby the additional document, i.e., Cheque bearing No. 077220 dated 3rd January, 2012 along with deposit slip filed by the plaintiffs was taken on record by the Joint Registrar in CS(OS) No. 224/2020 submitting to the effect that the impugned order is against law and the facts as they emanate on the records inasmuch as the additional document was not filed along with the replication thus it cannot be treated as a part of the pleading unless a separate application is filed seeking leave to file the said additional document. It is further submitted that the additional document is neither mentioned in the replication nor in any other pleadings filed by the plaintiff.



2. Learned counsel appearing for the plaintiff/non-applicant accepts notice and prayed for a week's time to file objection to the present O.A.40/2023. Let the same be filed within a period of one week, as prayed.

3. Notice be now issued to the non-applicants i.e., defendants No. 2 to 8 and 10 on taking steps by the applicant within one week through all permissible modes returnable on 12th September, 2023, before the Joint Registrar, the date already fixed.

CHANDRA DHARI SINGH, J

APRIL 20, 2023
SV/AS

[Click here to check corrigendum, if any](#)