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

+ **FAO(OS) 58/2024**

MANJU GAIND

..... Appellant

Through: Mr.Kunal Tandon with Ms.Niti Jain,
Ms.Aanchal Tandon, Mr.Ajay Gaind,
Mr.Abhay Gaind and Ms.Varnalee,
Advocates.

versus

KAMLA RANI & ORS.

..... Respondents

Through: Mr.Manish Vashisth, Sr.Advocate
with Mr.Ajay Tejpal, Mr.Tarun
Agarwal and Mr.Vanshy Kaul,
Advocates for R-1 to 5.
Mr.Vikram Nath with Mr.Riyal
Suryawanshi, Mr.Akshat Chaudhary
and Mr.Harshvardhan Jha, Advocates
for R-6.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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02.05.2024

C.M.No.25728/2024

1. Keeping in view the averments in the application, the delay in filing the present appeal is condoned.
2. Accordingly, the application stands disposed of.



C.M.No.25727/2024

3. Exemption allowed, subject to all just exceptions.
4. Accordingly, the application stands disposed of

Caveat No.213/2024

5. Since appearance has been entered upon on behalf of the respondents, present caveat stands discharged.

FAO(OS) 58/2024 & C.M.No.25726/2024

6. Present appeal has been filed challenging the order dated 20th February, 2024 passed by the learned Single Judge in CS(OS) No.317/2018, whereby the learned Single Judge allowed the application filed by the respondents under Order VI Rule 17 CPC for amendment of written statement stating that the amendments sought were merely for correction of typographical errors in the written statement.
7. Learned counsel for the appellant states that in the written statement, respondent nos.1 to 5 admitted that the appellant had received her share in properties mentioned in paras 1(f), 1(g) and 1(q). He states that subsequent to the appellant filing an application under Order XII Rule 6 CPC based upon the admissions of respondent nos.1 to 5, the said respondents filed an application under Order VI Rule 17 CPC seeking to withdraw the admission made.
8. *Per contra*, learned senior counsel for respondent nos.1 to 5 states that the most vital document i.e. Memorandum of Family Settlement dated 19th April, 2002 has not been placed on record.
9. Issue notice. Mr.Ajay Tejpal, Advocate accepts notice on behalf of respondent nos.1 to 5 and Mr.Vikram Nath, Advocate accepts notice on behalf of respondent no.6. They pray for and are permitted to file their reply



affidavits along with the relevant documents within four weeks. Rejoinder affidavits, if any, be filed before the next date of hearing.

10. List on 23rd September, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 2, 2024
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