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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 663/2007

SMT. MADHU MALLA & ORS.

.....Plaintiffs

Through: Mr. Lalit Gupta, Adv. (joined through VC) with Mr. Priyansh Jain, Mr. Anmol Ghai & Mr. Ankit Singh, Adv. (physically) for P-1&3
(Appearance not given by counsel for P-2) (joined through VC)

versus

SHRI BHUMESH MOHAN MALLA & ORS.

.....Defendants

Through: (Appearance not given) (joined through VC)

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. PRIYA MAHENDRA, (DHJS)

ORDER

% 29.01.2025

CS(OS) 663/2007

1. The plaintiff no.1&3 have not filed Written Submissions and Convenience Compilation till date despite the orders dated 06.03.2023 & 11.12.2024. At this stage, proof of cost of Rs.3000/- deposited by the plaintiff no.1&3 pursuant to last order is filed and taken on record today. Learned counsel for the plaintiff no.1&3 also submits that he has filed Written Submissions only today morning but has not filed any Convenience Compilation. No plausible explanation is furnished for not filing Convenience Compilation till date. Learned counsel for the plaintiff no.1&3 is directed to take requisite steps within one week to bring Written Submissions on record.
2. The plaintiff no.2 has also not complied the last order dated 11.12.2024 at all by which he was directed to comply the order dated 06.03.2023 and file Written



Submissions and Convenience Compilation subject to cost of Rs.2000/- to be deposited with Delhi High Court Legal Services Committee. Neither cost of Rs.2000/- has been deposited by plaintiff no.2 with Delhi High Court Legal Services Committee nor he has filed Written Submissions and Convenience Compilation till date for which no plausible explanation is furnished.

3. As per office note, Written Submission alongwith proof of cost and Convenience Compilation filed by defendants are on record.

4. At this stage, it is stated by learned counsel for plaintiff no.1&3 that he has not received copy of Convenience Compilation filed by the defendants. It is stated by learned counsel for the defendants that inadvertently it is sent to the email ID which is now stated to be incomplete. He undertakes to supply the same within two days through email to learned counsel for plaintiff no.1&3. Let needful be done as stated.

5. Learned counsel for plaintiff no.2 also submits that he has not received copy of Convenience Compilation filed by the defendants, to which learned counsel for defendants undertakes to supply the same within two days through email to learned counsel for plaintiff no.2. Let needful be done as stated.

6. Here, I am constrained to note the casual conduct of learned counsels for the parties. Vide order dated 06.03.2023, the parties were directed to file Written Submission and Convenience Compilation before the next date of hearing i.e. 29.08.2023. It is unfortunate that despite expiry of more than 1 ½ years, the plaintiff no.1&3



have not complied the said order fully and plaintiff no.2 has turned a blind eye to the same. Even imposition of cost has not resulted into compliance of the order dated 06.03.2023 by the plaintiffs. Only the defendants have complied the order now after repeated opportunities.

7. In these circumstances, I deem it fit to place the matter before the Hon'ble Court on 18.02.2025, for further directions.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 29, 2025/ab

Click here to check corrigendum, if any