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

+ **CS(OS) 364/2019 & I.A. 13823/2019 (U/o XXXIX R. 4 r/w S. 151 CPC), I.A. 11215/2020 (U/o XII R. 6 CPC)**

GEETA MEHTA & ANR. Plaintiffs

Through: Mr. Arvind K. Gupta, Mr.
Sumit Chaudhary, Mr.
Abhiesumant Gupta and Mr.
Pranav Mehta, Advs.

versus

ANIL MEHTA & ANR. Defendants

Through: Mr. Anit Mehta (D-1) and Ms.
Renu Sood (D-2) in person

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

% **19.01.2023**

I.A. 14999/2019 (Delay)

1. This is an application filed by the defendant No.2 seeking condonation of 1 day delay in filing the written statement.
2. For the reasons stated in the application, the delay of 1 day in filing is condoned.
3. Application is disposed of.

I.A. 15000/2019 (Ex. Filing Original Document)

4. Allowed, subject to all just exceptions.
5. The applications shall stand disposed of.

I.A. 6/2020 (U/o VI R. 17 r/w S. 151 CPC),

6. By means of the instant application the plaintiff seeks to introduce certain amendments in the plaint in light of facts which have come to the fore in terms of the assertions which have been made by the defendant in the written statement filed.
7. From a perusal of the contents of the application the Court notes



that a declaration is essentially ~~in~~ in respect of the Will dated 30 April 2011 alleged to have been executed by Smt. Bimla Mehta. In terms of the paragraphs that are sought to be introduced in the plaint, the plaintiff refers to certain other Wills and Codicils which are stated to have been duly executed and registered by Smt. Bimla Mehta.

8. The defendants who appear in person, submit that subject to all rights and contentions on merits being kept open, the amendments may be allowed. The Court notes that the proposed amendments do not change the character of the suit as instituted.

9. Accordingly and in view of the aforesaid position, the instant application shall stand allowed and disposed of.

10. The Court notes that an amended plaint already stands placed on the record. The defendants may file their additional written statement.

11. For the aforesaid purpose, let the matter be placed before the concerned Joint Registrar on 27.02.2023.

I.A. 11284/2020 (Addl. Document)

12. In light of the orders passed today in I.A. 6/2020 the instant application which seeks to bring on record the additional documents which are referred to therein is allowed.

13. The documents shall consequently form part of record subject to objections that may be taken by the defendants here.

14. The defendants who appear in person further apprise the Court that against the closure report of 28 May 2014, a protest petition has been filed before the competent court which is still pending. Since the Court has already granted liberty to the defendants to file an additional written statement, those facts can always be brought on the record in terms thereof.

I.A. 13824/2019 (U/o VII R. 11 r/w S. 151 CPC)

15. In light of the fact that the Court has today allowed I.A. 6/2020



in terms of which various amendments in the plaint have been permitted, the defendants are granted liberty to withdraw the instant application subject to rights being reserved to file afresh.

16. Application shall stand disposed of.

I.A. 6416/2022 (U/o 13 R. 10 r/w S. 151 CPC)

17. The defendants state that since the protest petition of the defendants is still pending before the concerned court, the prayers made in the instant application may be considered as and when those proceedings are finalised.

18. Ordered accordingly.

I.A. 21057/2022 (U/o XXXIX R. 4 r/w S.151 CPC)

19. The plaintiff prays for and is granted two weeks time to file a reply.

20. Let the present matter be placed before the concerned Joint Registrar for completion of pleadings on 27.02.2023.

YASHWANT VARMA, J.

JANUARY 19, 2023

rsk