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

+ **CS(OS) 365/2019**

MAHAVIR PRASAD MUDGAL & ANR.

.....Plaintiff

Through: Mr. Amit Sood, Adv.

versus

DHARMENDRA KUMAR MUDGAL & ANR.

.....Defendant

Through: Mr. Amit Kumar, Adv. (through VC)
alongwith Mr. Nikhil Kataria, Adv.
for D-2.

D-1 was already deleted vide order
dated 03.07.2023.

CORAM:

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

ORDER

03.10.2024

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Proceedings are being conducted through hybrid mode.

I.A. No. 1453/2024 (by plaintiff u/O VI Rule 17 of CPC)

1. As per office noting, reply to the captioned IA filed on behalf of the defendant vide diary no.3371083/2024 was returned under objection.
2. Ld. Counsel for plaintiff has submitted that vide order dated 27.08.2024, two weeks time was given to the defendant for getting his reply placed on record subject to cost of Rs.5,000/- to be paid to the plaintiff, however, the same is still lying under objection. He has further submitted defendant has also not paid the cost of Rs.5,000/- to the plaintiff. He has further submitted that



already sufficient opportunities have been granted to the defendant, but the defendant is not filing reply to the captioned IA deliberately.

3. On the other hand, Ld. Counsel for defendant has submitted that reply to the captioned IA was filed vide diary no.1200295/2024 and again vide diary no. 3371083/2024. Perusal of the above said diary nos. would show that the same are lying under objection and have not come on record till date. In the present facts, right of defendant to file reply to the captioned IA stands closed.
4. Ld. Counsel for parties appearing today submit that the proposed amendment are not formal in nature. They further submit that the captioned IA may be placed before the Hon'ble Court where they would make their further submissions.
5. At joint request, let the captioned IA be placed before the Hon'ble Court for further directions on **11th December, 2024.**

I.A. No. 9929/2019 (by plaintiff for stay);

I.A. No. 9930/2019 (by plaintiff u/O XV-A of CPC) &

I.A. No. 11107/2020 (by plaintiff for condonation of delay of 103 days in filing replication)

6. Pleadings qua the captioned IA are already complete.

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7. An application for amendment of plaint is pending for consideration on behalf of the plaintiff.
8. Ld. Counsels for both the parties have submitted that the matter and other applications may also be placed before the Hon'ble Court where they would make their further submissions.



9. At joint request, let the matter and other applications be placed before the Hon'ble Court for further directions on **11th December, 2024.**

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

OCTOBER 3, 2024/v

Click here to check corrigendum, if any