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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 432/2024

INDERJIT KAUR

.....Plaintiff

Through: Mr. Raghav Sabharwal, Mr.
Harsh Vardhan Singh & Mr.
Ayush Shrivastava, Advs.
(Email: raghav@salf.in)

versus

JAGMOHAN SINGH KATARIA & ORS.Defendants

Through: Ms. Shobhana Takiar & Mr.
Kuljeet Singh, Advs. for D-1&2
Mr. Sankalp Malik & Mr. Sanjay
Malik, Advs. for D-3 (joined
through VC)

CORAM:

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

ORDER

% **23.01.2025**

**I.A.37214/2024 (by defendant nos.1 and 2 under Order
XXXIX Rule 4 read with Section 151 of CPC seeking
vacation of stay order dated 22.05.2024)**

1. Reply to the captioned IA filed by plaintiff is on record. Vide order dated 27.11.2024, the applicants have sought time and were granted time to file rejoinder to the same but the rejoinder has not been filed by the applicants till date.

2. At this stage, it is stated by learned counsel for the defendant no.1&2 that he has not received copy of reply. Learned counsel for the plaintiff submits that he has already filed proof of service showing that the reply of the captioned IA filed by plaintiff has been duly served upon learned counsel for defendant no.1&2 on her email dated 27.11.2024. Further, receipt of reply was also acknowledged by learned counsel for the defendant no.1&2 vide order dated 27.11.2024 before the Hon'ble

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Court. Heard. No plausible ground is furnished by the applicants for not filing rejoinder till date despite receipt of reply. In this view of the matter, the right of the applicants to file rejoinder is ordered to be closed.

3. Learned counsel for the defendant no.3 submits that he does not wish to file any reply to the captioned IA.

4. At request, place the captioned IA before the Hon'ble Court on date fixed i.e. 25.02.2025, for further directions.

I.A.37215/2024 (by defendant no.1 under Order X Rule 2 read with Section 151 of CPC seeking oral examination of defendant no.1 being a senior citizen)

5. Reply to the captioned IA filed by plaintiff is on record but rejoinder to the same has not been filed by the applicant till date despite the order dated 23.08.2024. Learned counsel for the applicant seeks time to file rejoinder on the ground that she has not received copy of the reply filed by the plaintiff.

6. Learned counsel for the plaintiff submits that he has already filed proof of service showing that the reply of the captioned IA filed by plaintiff has been duly served upon learned counsel for defendant no.1&2 on her email dated 27.11.2024.

7. No plausible ground is furnished by the applicant for not filing rejoinder till date. In this view of the matter, the right of the applicants to file rejoinder is ordered to be closed.

8. Learned counsel for the defendant no.3 submits that he does not wish to file any reply to the captioned IA.

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9. At request, place the captioned IA before the Hon'ble Court on date fixed i.e. 25.02.2025, for further directions.

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10. As per record, Written Statement alongwith Affidavit of Admission/Denial of the documents filed by defendant no.1&2 and Replication to the same filed by the plaintiff are on record.

11. The defendant no.1&2 has not filed fresh/proper Affidavit of Admission/Denial of the documents in terms of the order dated 18.10.2024 for which no plausible explanation is furnished. So, cost of Rs.1500/- is imposed upon defendant no.1&2 to be deposited with Delhi High Court Legal Services Committee and the last and final opportunity is granted to defendant no.1 & 2 to file fresh/proper Affidavit of Admission/Denial of the documents as per law in terms of said order within two weeks with copy to the opposite side.

12. As per office note, Written Statement alongwith Affidavit of Admission/Denial of the documents filed by defendant no.3 is on record. The defendant no.3 has also filed some documents in the present matter, as per record. The Affidavit of Admission/Denial of the documents filed by defendant no.3 is not in the prescribed format. So, the defendant no.3 is directed to file fresh/proper Affidavit of Admission/Denial of the documents in the prescribed format as per law within two weeks with copy to the opposite side.

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13. It is stated by learned counsel for the plaintiff that he has not received copy of the said documents, to which learned counsel for the defendant no.3 undertakes to supply the same within two days through email.

14. On receipt of the documents and fresh/proper Affidavit of Admission/Denial of the documents by defendant no.3, the plaintiff is directed to file Replication alongwith Affidavit of Admission/Denial of the documents within stipulated period as prescribed by law with copy to the opposite side.

15. The plaintiff is directed to file soft copy as well as physical copy of the Joint Schedule of the documents at least two weeks before the next date of hearing.

16. The parties are also directed to file hard copy of the documents of which e-copy already filed on record, if not filed earlier, before the next date of hearing.

17. At request, the matter may be placed before the Hon'ble Court on date fixed i.e. on 25.02.2025, for further directions.

I.A. 30127/2024 (by the plaintiff under Order XXXIX Rules 1 & 2 read with Section 151 of CPC)

18. Pleadings are already complete.

19. At request, place the captioned IA before the Hon'ble Court on date fixed i.e. 25.02.2025, for further directions.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 23, 2025/ab

Click here to check corrigendum, if any