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

+ **CS(OS) 380/2020**

I.A.11077/2020 (under Order XXXIX Rule 1 and 2 CPC)

I.A.11078/2020 (exemption)

I.A.11079/2020 (Delay in refilling the suit)

I.A.11080/2020 (under Section 149 CPC for postponement of payment of court fee)

PREM BAJAJ & ANR.

..... Plaintiff

Represented by: Mr.Sunit Dutt Dixit, Advocate.

versus

ALKA BAJAJ & ORS.

..... Defendant

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **26.11.2020**

The hearing has been conducted through video conferencing.

1. This is a suit seeking decree of specific performance in relation to the family settlement. The plaintiffs had earlier also filed a suit for the same relief which was dismissed by this Court being CS (OS) 99/2020 on 5th March, 2020. In the said suit, this Court noted and asked the learned counsel for the plaintiffs herein to explain as to how a separate suit seeking specific performance of the family settlement and consequential partition of the suit properties is maintainable when a suit for partition of the properties has already been filed by the defendants.

2. In the present suit filed again on the same prayer as in CS(OS) 99/2020, the plaintiffs have not placed on record the complete pleadings



including their written statement filed in CS(OS) 137/2017, the suit filed by the defendants seeking partition of the suit properties.

3. At request of the learned counsel for the plaintiffs, who seeks leave to file the necessary documents, renotify on 22nd December, 2020.
4. Copy of the order be uploaded on the website of this Court.

MUKTA GUPTA, J.

NOVEMBER 26, 2020
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