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

+ **CS(COMM) 485/2024**

RAJAN KAPOOR

.... Plaintiff

Through: Mr. B.B. Gupta, Sr. Advocate with
Mr. Srikanth Varma, Mr. Achal
Gupta, Advocates.

versus

DARSHAN KAUR SYAL & ORS.

.... Defendants

Through: Mr. Prashant Mehta, Mr. Varun
Gupta, Ms. Simran Wason,
Advocates [9999590003].

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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30.05.2024

I.A. 31074/2024 (for exemption)

The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.

The application stands disposed of.

I.A. 31075/2024 (for exemption from serving notice)

This is an application for exemption from service of notice under Section 80 of the Code of Civil Procedure, 1908 to defendant No.4. As no interim relief is sought against defendant No. 4, the application is allowed.

The application stands disposed of.



CS(COMM) 485/2024

1. The plaint be registered as a suit. Issue summons. Mr. Prashant Mehta, learned counsel, waives formal service of summons on behalf of defendant Nos. 1 and 2. Defendant Nos. 3 and 4 be served by all permissible modes on filing of process fee. Defendant No. 4 may also be served through learned Standing Counsel (Civil), Government of NCT of Delhi in addition.
2. Defendant Nos. 1 and 2 may file their written statements within thirty days from today. Defendant Nos. 3 and 4 may file their written statements within thirty days from the date of receipt of summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.
3. The plaintiff is at liberty to file replications thereto within thirty days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.
4. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
5. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
6. List before the Joint Registrar for completion of service and pleadings, admission/denial of documents and marking of exhibits on 05.08.2024.
7. List before the Court on 21.08.2024.



I.A. 31073/2024 (for exemption from prelitigation mediation)

Having regard to the nature of the interim relief sought, the application is allowed.

I.A. 31072/2024 (under Order XXXIX Rules 1 and 2 of CPC)

1. Issue notice. Mr. Prashant Mehta, learned counsel, accepts notice on behalf of defendant Nos. 1 and 2. Notice may be served upon defendant Nos. 3 and 4 by all permissible modes, including through learned Standing Counsel (Civil), Government of NCT of Delhi in addition.
2. Learned counsel for the plaintiff and defendants Nos. 1 and 2 submit that the disputes be referred to mediation. The plaintiff and defendant Nos. 1 and 2 are referred to mediation under the aegis of Samadhan, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi-110503 [“Samadhan”].
3. List before the learned Mediator on 03.07.2024.
4. Learned counsel for the plaintiff and defendant Nos. 1 and 2 have also agreed that, subject to the plaintiff depositing the sum of Rs.13.15 crores (which is the agreed amount as mentioned in the reply to the legal notice sent on behalf of defendant nos. 1 and 2 on 26.04.2024), with the Registrar General of this Court within six weeks from today, defendant Nos. 1 and 2 will not create any third party interest in title or possession of the suit property [Shop No. 58, Mehar Chand Market, Lodhi Colony, New Delhi – 110003]. Any construction undertaken by defendant Nos. 1 and 2 in the meanwhile will be subject to further orders to be passed in these proceedings, and will not give rise to any special equities in favour of the said defendants.



5. This order is passed without prejudice to the rights and contentions of the parties in the suit and the application.

6. The defendants will be at liberty to file replies to the application within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

7. List on 21.08.2024.

PRATEEK JALAN, J

MAY 30, 2024

“Bhupi”/