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

+ **CS(OS) 557/2023 & I.A. 3091/2024**

**PREM KUMARI BATRA
(THROUGH SPA HOLDER)**

.....Plaintiff

Through: Mr. Rahul Dhamija, Adv. with SPA
holder

versus

DEWAN SINGH BISHT & ORS.

.....Defendants

Through: Mr. Akshay Chandra, Mr. Vikas
Sharma, Mr. Vishal Tanwar, Adv.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **13.09.2024**

I.A. 19421/2023 (Application on behalf of plaintiff seeking permission to file additional documents)

1. This is an application filed by the plaintiff seeking to place on record additional documents filed vide diary no.2204207/2024. In view of the fact that the suit is at the stage of admission/denial of the documents, the application is allowed.
2. It is made clear that this Court has not expressed any opinion on the admissibility or relevance of the said documents and the plaintiff shall prove the said documents in accordance with the law.
3. Defendant nos.1, 2 & 4 are directed to file their affidavit of admission/denial of the said documents within a period of two (2) weeks. Any rebuttal documents which the defendant nos.1, 2 & 4 seek to file to these documents will be filed within a period of two (2) weeks.

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4. With the aforesaid directions, the application stands allowed.

I.A. 3092/2024 (Application filed by the defendant no.1 & 4 for recalling of the order dated 20.12.2023)

5. This is an application filed by the defendant no.1 & 4 for recalling the order dated 20.12.2023 whereby they were proceeded *ex-parte*.

6. Learned counsel for the plaintiff states on instructions that the application be allowed without prejudice to the rights and contentions of the plaintiff. He, however, states that the plaintiff does not admit the assertions made in the said application.

7. In view of the above, the captioned application is allowed without expressing any opinion on the assertions made therein and the order dated 20.12.2023 whereby the defendant nos.1 and 4 were proceeded *ex-parte* is hereby recalled.

I.A. 2655/2024 (Application filed by the defendant no.1 seeking condonation of delay in filing the written statement)

8. This is an application filed by the defendant no.1 seeking condonation of delay of five days for filing the written statement.

9. Keeping in view the averments made in the application, the delay of five days is hereby condoned. The application, therefore, stands allowed.

I.A. 2656/2024 (Application filed by defendant no.3 seeking condonation of delay in filing the written statement)

10. Learned counsel for the defendant no.3 states that since the defendant no.3 has expired, this application does not survive for consideration. The application is accordingly dismissed as infructuous.

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11. Mr. Vikas Sharma, Advocate is unable to inform this Court as regards



to the identity of the person who has informed him that Sh. H L Sharma i.e., defendant no. 3 is dead. He states that he was representing defendant no. 3 but he does not have the details of his legal heirs. He states that he continues to represent defendant nos. 1, 2 and 4. This Court finds that defendant nos. 1, 2 and 4 are acting strangely in not providing the date of the death of defendant no. 3.

12. In these circumstances, the plaintiff states that he does not wish to bring the LRs on record and prays that the defendant no.3 be deleted from the array of the parties; as it is delaying the suit. The plaintiff is present in the Court. Therefore, in view of the aforesaid statement made by plaintiff, defendant no.3 is deleted from the array of the parties.

13. The plaintiff is directed to file an amended memo of parties within a period of one week from today.

14. The defendant no.1 is directed to be personally present in the Court on the next date of hearing.

15. The parties shall file the Joint Documents Schedule within a period of six (6) weeks from today.

16. List before the Joint Registrar (J) on **13.11.2024** for admission/denial of documents and marking of exhibits.

17. List before the Court on **28.01.2025** for framing of issues.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 13, 2024/Ch/ms

Click here to check corrigendum, if any