



\$~10

* IN THE HIGH COURT OF DELHI AT
NEW DELHI
+ CS(OS) 602/2021

MEERA

..... Plaintiff

Through: Mr. Mahboob Alam
Inayath and Mr. Khalid
Ali, Advocates appeared
physically

versus

SATISH @ SITARAM & ORS. Defendants

Through: Mr. Keshav V. Hegde,
Advocate for Defendant
no.1 appeared physically
Mr. Atul Kumar, Ms.
Sweety Singh and Mr.
Rahul Pandey, Advocates
for Defendant nos. 2 and 5
appeared physically
Mr. Mukul Taneja,
Advocate for Defendant
nos. 3 and 6 appeared
physically
Mr. Niraj Chaudhary,
Advocate for Defendnat
no.4 appeared physically
(M: 9818924220)

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. TYAGITA
SINGH, (DHJS)**

ORDER

% **13.03.2023**

*Matter is taken up through physical hearing as well as
video conferencing.*

**IA No. 12073/2022 (application u/O XXXIX Rule 10 r/w
Section 151 CPC for direction to the defendants no. 1& 4 to
deposit the rent received from suit property in court)**

And

**IA No. 4793/2023 (application filed by the plaintiff for
condonation of delay of 68 days in filing the rejoinder u/S
151 CPC)**

CS(OS) 602/2021

Page 1 of 4



Learned counsel for plaintiff has stated that he has filed rejoinder to IA No. 12073/2022 alongwith IA No. 4793/2023 for condonation of delay of 68 days from the expiry of two weeks period which was granted by this court vide order dated 07.12.2022, in filing rejoinder to IA No. 12073/2022.

Learned counsel for the plaintiff has stated that delay has caused in filing rejoinder as plaintiff had gone to the site for physical verification and found that tenants are residing at H. No. 1197 MCD No. C-268/269, Laxman Gali, Nanak Chand Basti Kotla Mubarakur, Delhi-110 003 and the claim of defendants that tenants are not residing there is false. Learned counsel for plaintiff has further stated that further time was taken for collecting electricity bills to show the regular consumption of the electricity from the said premises.

Heard. IA stands allowed and rejoinder filed by the plaintiff is taken on record, subject to cost of Rs. 1,000/- to be deposited with Delhi High Court Legal Services Committee.

IA No. 4793/2023 stands disposed off.

Learned counsel for defendant no.1 has stated that defendant no.1 has already filed reply to this IA vide Dy. No. 2003243/2022. However, PDF record as well as file noting does not reflect the filing of reply by defendant no.1. Learned counsel for defendant no.1 is directed to verify with the Registry and to get it placed on record.

Learned counsel for the plaintiff has stated that he has already received the copy of reply of defendant no.1. He undertakes to file rejoinder, if any, within two weeks.



IA No. 15196/2021 (application filed by the plaintiff u/O XXXIX Rules 1 and 2 r/w Section 151 CPC for ad-interim ex-parte injunction)

Reply has already been filed by defendant nos. 4 as well as defendant nos. 3 and 6. Learned counsel for the plaintiff has stated that he does not want to file rejoinder to reply of defendant nos. 3,4 and 6.

Learned counsel for defendant no.1 had stated that he does not want to file reply.

Defendant nos. 2 and 5 have not filed any reply till date. Time for filing reply has already expired. **Hence, right of defendant nos. 2 and 5 to file reply stands closed.**

Pleadings are complete.

CS(OS) 602/2021

Learned counsel for defendant no.1 has stated that he has filed original WILL with the Registry.

Defendant no.4 has not filed original WILL. Learned counsel for defendant no.4 undertakes to file original WILL with the Registry within two weeks.

Pleadings are already complete qua defendant nos. 1,3,4 and 6.

Defendant nos. 2 and 5 have not filed written statement till date. No further opportunity for filing written statement can be granted as time for filing written statement has already expired. **Hence, right of defendant nos. 2 and 5 to file written statement stands closed today.**

Pleadings are complete.

Plaintiff is directed to file Joint Documents Schedule within four weeks, after obtaining comments from the defendants.



Both the parties are directed to take steps for filing original signed pleadings and hard copies of the documents on record within four weeks. Both the parties are directed to appear alongwith original documents for marking of exhibits on the documents on the next date of hearing. The concerned official is directed to complete the file in all respects before the next date of hearing.

Put up for admission/denial and for marking of exhibits on 24th May, 2023.

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

MARCH 13, 2023
savita