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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 628/2021

DR RENU PURI

.....Plaintiff

Through: Ms. Samvartika Pathak & Ms.
Swati Bansal, Advs.

versus

SMT ANU MAHAJAN

.....Defendant

Through: Mr. Tushar Rohmetra, Adv.

CORAM:

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

ORDER

% **07.08.2024**

**I.A. 7304/2024 (for preliminary decree) moved by the
defendant**

Reply has not been filed by the plaintiff. Learned counsel for the plaintiff seeks some more time to file the same on the ground of want of instructions from the plaintiff. Opposed. As per record, learned counsel for the plaintiff was served with notice of the captioned IA on 03.05.2024 but despite the same, reply has not been filed till date. In the interest of justice and subject to imposition of cost of Rs.1000/- to be paid to the defendant, the last and final opportunity is granted to the plaintiff to file reply to the captioned IA within two weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

Re-notify the captioned IA for completion of pleadings on the next date of hearing.

CS(OS) 628/2021

Vide order dated 15.04.2024, the Hon'ble Court had allowed the application filed by the plaintiff bearing IA no.8307/2024 seeking permission to file additional documents and the defendant was given liberty to file rebuttal documents.



At this stage, it is stated by learned counsel for the defendant while effecting advance service of the said application, learned counsel for the plaintiff has posted only copy of IA bearing IA no.8307/2024 without the accompanying documents and therefore, it was intentionally sent through post to the defendant and not to learned counsel for the defendant in order to hoodwink the defendant. Learned counsel for the defendant has shown to me on his mobile, the index which has been received by learned counsel for the plaintiff alongwith the application. It clearly shows that learned counsel for the plaintiff has only sent the copy of application without documents and even changed the index, which is sent to the defendant as the said index is different from the index filed in the court alongwith the IA 8307/2024. Learned counsel for the defendant has produced physical copy of application alongwith Index received by the defendant through post. The same is taken on record.

Learned counsel for the defendant further submits that it is done intentionally by learned counsel for the plaintiff and even otherwise, this fact was even brought to the knowledge of the court. Heard and record perused. The plaintiff by changing the index sent in advance service has played fraud upon the court and the defendant. This cannot be taken lightly. So, cost of Rs.5000/- is imposed upon the plaintiff to be deposited with the Advocate's Welfare Fund. In future, it is directed to the plaintiff that the plaintiff shall make all advance services and other service to defendant through learned counsel for the defendant as per the Vakalatnama already on record and not the postal



service to the defendant.

Accordingly, the plaintiff is directed to supply copy of additional documents to learned counsel for the defendant today itself. Thereafter, the defendant is at liberty to file rebuttal documents in terms of order passed by the Hon'ble Court on 15.04.2024.

IA no.6011/2024 under Section 151 CPC moved by plaintiff for clarification

Learned counsel for the defendant submits that he has not received copy of the captioned IA and again, the plaintiff has sent the advance copy of captioned IA to the defendant through post. The dispatch receipt was filed with registry for the service, however, tracking reports of the same have not been filed by the defendant.

Issue notice. Learned counsel for the defendant accepts notice. The plaintiff is directed to supply copy of the captioned IA to learned counsel for the defendant within two days through email. Let reply, if any, to the captioned IA be filed by defendant within three weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

Re-notify the captioned IA for completion of pleadings on 09.09.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
AUGUST 7, 2024/ab

[Click here to check corrigendum, if any](#)