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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 609/2022 and CC 1/2023, I.A. 16085/2022, 16086/2022,**
3243/2023, 3763/2023, 11462/2023, 11463/2023, 25939/2023
MANJEET SINGH Plaintiff

Through: Mr. Prosenjeet Banerjee, Ms. Pavitra
Kaur, Ms. Anshika Sharma and Mr.
Sarthak Bhardwaj, Advocates (M:
9811812484).

versus

JAI BHAGWAN & ANR. Defendants

Through: Mr. Shivam Deep Singh, Adv. for D-
1 & 2.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **17.05.2024**

1. This hearing has been done through hybrid mode.

I.A. 11463/2023 (for delay in filing rejoinder)

2. This is an application for condonation of delay in filing the rejoinder.
For the reasons stated in the application.

3. The delay is condoned.

I.A. 11462/2023 (for delay in filing written statement)

4. This is an application seeking condonation of delay in filing the
written statement. The counterclaim was served on the Plaintiff on 13th
February, 2023. The written statement was filed on 30th May, 2023. The
condonation of delay is vehemently opposed by Id. Counsel for the
Defendants on the ground that the reasons given in the application are not



sufficient as the heart attack of the Plaintiff was in the year 2022 and thereafter he has been carrying on his regular activities including visiting the Sub-Registrar Office, attending social functions *etc.*

5. The Court has considered the matter. For the reasons stated, the delay in filing the written statement is condoned subject to payment of costs of Rs.10,000/- as the overall time within which the same has been filed is within 120 days.

6. The costs be paid within two weeks.

7. Application is disposed of.

I.A. 3763/2023 (for modification)

8. This application was disposed of on 7th March, 2023. Accordingly, the same need not be shown in the cause list.

I.A. 3243/2023 (u/O VI Rule 17 CPC)

9. This is an application filed by the Plaintiff seeking amendment of the plaint. The submission of Mr. Banerjee, Id. Counsel is that there are several documents which have been set up by the Defendant in the written statement which were not in the knowledge of the Plaintiff at the time when the suit was filed. They have come to light for the first time. The Plaintiff now, therefore, wishes to challenge all the documents which have been set up by the Defendant.

10. A question has been put to the Id. Counsel for the Plaintiff as to whether these documents are part of the counterclaim and whether in the written statement the Plaintiff has dealt with the said documents, to which, the answer is in the affirmative. If so, this Court is of the opinion that all the documents which have been set up by the Defendant would have to be proved by the Defendant in accordance with law as part of the counterclaim.



11. The question as to the title of the suit property would have to be adjudicated by the Court on an overall assessment of the case of the Plaintiff in the Plaint and of the Defendant in the counterclaim. In view thereof, the amendment would not be required. Ld. counsel for the Plaintiff wishes to seek instructions in the matter.

12. List on 27th September, 2024.

I.A. 25939/2023 (u/O I Rule 10 CPC)

13. This is an application filed by Ms. Neha Chaudhary and Mr. Robin Sehrawat, the daughter and the son of the Defendants seeking impleadment in the present matter. The submission on behalf of proposed applicants is that the proposed applicants have been gifted some portions of the suit property which is also sought to be challenged by way of an application *i.e.*, ***I.A. 3242/2023*** under Order VI Rule 17 CPC. In view thereof, the said applicants are impleaded as Defendant Nos. 3 and 4 in the present suit.

14. The objection by the Plaintiff is that the gift deed in their favour is not registered. Keeping the said objection open, the said parties are impleaded as Defendant Nos. 3 and 4.

15. Let the amended memo of parties be filed within one week.

16. Application is disposed of.

CS(OS) 609/2022 and CC 1/2023, I.A. 16085/2022, 16086/2022

17. List before the Joint Registrar for completion of pleadings and admission/denial on 23rd July, 2024.

18. List before the Court on 27th September, 2024.

PRATHIBA M. SINGH, J

MAY 17, 2024/mr/ks