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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(OS) 610/2012

UNION OF INDIA & ORS

..... Plaintiffs

Through: Mr. Rishabh Sahu, Senior Panel
Counsel with Mr. Mayank
Solanki, Adv. for UOI

versus

SHANTI GURUNG & ORS

..... Defendants

Through: Ms. Jayshree Satputa, Adv.
(joined through VC) and Ms.
Srishti Bajpai & Ms. Sagrika
Arya, Advs. (physically appear)
Advs. for D1 (Email:
kushar82kumar@gmail.com)

CORAM:

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

ORDER

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06.03.2024

**CS(OS) 610/2012 & IA NO.17175/2023 under Section
151 CPC moved by the defendant no.1 seeking
condonation of delay in filing Affidavit of
Admission/Denial of the documents; and
IA NO.17176/2023 moved by the defendant no.1
seeking exemption from filing Apostil Affidavit**

As per office note, Affidavit of Admission/Denial of the documents has been filed by defendant no.1 qua document of the plaintiffs. Similarly, Affidavit of Admission/Denial of the documents filed by the plaintiff no.1 to 3 qua documents of defendant no.1, is also filed on record.

On perusal of Affidavit of Admission/Denial of the documents filed by defendant no.1, it is found that Apostilled Affidavit of Admission/Denial of the documents is not filed in the prescribed format as in numbers of the documents, the defendant no.1 has submitted bare denial, which is not permissible as per provisions of Rule 4, sub rule (3) of Order XI of the Code,



as applicable under the Commercial Courts Act. At this stage, it is pointed out by learned counsel for the defendant no.1 that the said documents have been completely denied by the defendant no.1 as defendant no.1 has no personal knowledge about the same and that the averments in this regard has been mentioned in para no.5 of the Affidavit of Admission/Denial of the documents filed by defendant no.1. Accordingly, Affidavit of Admission/Denial of the documents filed by defendant no.1 is taken on record.

The Affidavit of Admission/Denial of the documents filed by plaintiffs are perused. The same are not in the prescribed format as per Chapter VII of Delhi High Court (Original Side) Rules. Moreover, the extraneous averments have been incorporated in the said Affidavit of Admission/Denial of the documents. At this stage, learned counsel for the plaintiff seeks one more opportunity to file proper Affidavit of Admission/Denial of the documents. Solely, in the interest of justice, the last and final opportunity is granted to the plaintiff to file fresh/revised Affidavit of Admission/Denial of the documents strictly as per law within three weeks with copy to the opposite side.

Re-notify the matter for marking of exhibits to the documents on 10.07.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)

MARCH 6, 2024/ab

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