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

+ **CS(OS) 742/2022, I.A. 19952-19954/2022, I.A. 11198/2023 & O.A. 23/2024**

SH R.K. KAPOOR

.....Plaintiff

Through: **Mr. Sanjay Sehgal, Mr. Shivesh Sehgal and Mr. Anil Kumar Vohra, Advs.**

versus

MRS. SHASHI VOHRA AND ORS

.....Defendants

Through: **Mr. Vijay Shankar Mishra and Mr. Ajit Singh, Advocates for D-7 and D-8
Mr. Veerashwar Singh Jadaun for D-11 (HDFC Bank)
Mr. Naman Shukla, Mr. A.K. Shukla Advs. for D-11 (HDFC Bank)**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 08.05.2025

O.A. 23/2024 (Chamber Appeal on behalf of Appellants/Defendant Nos. 7 and 8 under Rule 5, Chapter II, of the Delhi High Court (Original Side) Rules, 2018 read with Section 151 the Code of Civil Procedure, 1908 against the order dated 19.01.2024)

1. The present appeal has been filed by the Defendant Nos. 7 and 8 impugning the order dated 19.01.2024 whereby the Appellants/Defendant Nos. 7 and 8's right to file written statement has been closed.

2. It is stated that Defendant Nos. 7 and 8 received the entire paper book on 27.01.2023. It is stated that the written statement was served on the Plaintiff on 21.03.2023, however, the same was marked in defects by the

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registry and remained pending.

3. A perusal of the record shows that the written statement along with affidavit of admission/denial of documents is on record.

4. Learned counsel for the Plaintiff states that without joining issues with a view to proceed with the matter, he has no objection if the written statement is taken on record subject to the Appellants being put to costs.

5. Learned counsel for the Defendants nos. 7 and 8 states that he will pay costs of Rs. 10,000/- to the counsel for the Plaintiff within two (2) weeks.

6. In view of the aforesaid submissions, keeping in view the fact that the written statement has been filed and served within the statutory period of 120 days the appeal is allowed, subject to payment of costs of Rs. 10,000/- to the Counsel for the Plaintiff within two (2) weeks.

7. The written statement along with affidavit of admission/denial of documents is directed to be taken on record.

I.A. 11198/2023 (Application under Section 5 of Limitation Act read with Order VIII Rule 1 CPC & Section 151 CPC on behalf of defendant nos. 7 & 8 for condonation of delay in re-filing written statement)

8. This application has been dismissed vide order dated 19.01.2024. The registry is directed to make note of this fact and not reflect this application in the cause list.

I.A. 19954/2022 (Application on behalf of Plaintiff under Section 151 of Code of Civil Procedure, 1908 for condonation of delay in re-filing)

9. This is an application filed on behalf the Plaintiff under Section 151 of Code of Civil Procedure, 1908 for condonation of delay '93' days in re-filing the application.

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10. For the reasons stated in the application, the delay is condoned.

11. The application is disposed of.

I.A. 19953/2022 (Application on behalf of the plaintiff under Order XI Rule 12 & 14 read with Section 151 of CPC for the issuance of directions to the Defendant No. 7 and 8 for production of asset details & original ownership /title documents of suit properties i.e. movable & immovable properties of late Sh. N.C. Kapoor)

12. The present application filed by the Plaintiff under Order XI Rules 12 and 14 CPC seeking directions to Defendant Nos. 7 and 8 for producing the asset details and the original title documents of the suit properties i.e., movable and immovable properties belonging to late Sh. N.C. Kapoor.

13. Issue notice.

14. Learned counsel for Defendant Nos. 7 and 8 accepts notice. He states that Defendant Nos. 7 and 8 will file his affidavit as per Form No. 5 Appendix C of the CPC within four (4) weeks.

15. It is directed that Defendant Nos. 7 and 8 will make a full disclosure of the estate of late Sh. N.C. Kapoor.

16. With the aforesaid directions, this application stands disposed of.

CS(OS) 742/2022

17. Learned counsel for the Plaintiff states that he will file his replication to the written statement of defendant nos. 7 and 8 within thirty (30) days, subject to receiving costs within two (2) weeks.

18. List before the learned Joint Registrar (J) for completion of pleadings, recording of admission/denial of documents and marking of exhibits on **02.07.2025.**

19. List before Court for framing of issues and disposal of pending applications on **09.09.2025.**

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MAY 8, 2025/msh

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any

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