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

+ **CS(OS) 730/2023 & I.A. No.22516/2023 (for exemption)**

SMT. SUSHMA PUNDIR @ CHOPRA

.....Plaintiff

Through: Mr. Ajay Sharma & Mr. Abhishek
Raj Sharma, Advs.

versus

SH. KAMAL KISHORE CHOPRA & ORS.

.....Defendant

Through: Mr. Hirender Kumar, Adv. for D-1
& 2 with D-1 in person.

Ms. Avni Singh, Adv. for D-4.

D-3 is yet to be served.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)**

ORDER
07.03.2024

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Proceedings are being conducted through hybrid mode.

CS(OS) 730/2023;

**I.A. No. 22515/2023 (by plaintiff u/O XXXIX Rules 1 & 2
of CPC) &**

**I.A. No. 25046/2023 (by plaintiff u/O XXXIII r/w Section
151 of CPC)**

1. It is submitted that the matter and captioned IAs are coming up for hearing before the Hon'ble Court on 08.05.2024.
2. As per office noting, written statement and affidavit of admission/denial of documents and documents with list of documents were filed by defendants no.1 & 2.
3. Office noting further shows replication and affidavit of admission/denial has been filed on behalf of plaintiff qua defendants no.1 & 2 vide diary no.688315/2024.



4. Office noting further shows that replies to the captioned IAs were filed on behalf of the defendants no.1 & 2.
5. Office noting further shows that rejoinder to the above said replies has been filed on behalf of plaintiff vide diary no.688576/2024.
6. Ld. Counsel for plaintiff has submitted that copy of Will dated 28.9.2005 is not legible. Ld. Counsel for defendants no.1 & 2 submits that he will supply legible copy of the same within three days from today. Let the same be supplied accordingly. The plaintiff may file replication as per law after receiving copy of the above said Will.
7. At request, defendants no.1 & 2 may file fresh true typed copy of Will dated 28.09.2005 within two weeks.
8. As per office noting, summons issued to defendant no.4 has been served through ordinary mode.
9. No written statement and affidavit of admission/denial has been filed by defendant no.4. Let the same be filed as per law with advance copy to opposite party, who may file replication alongwith affidavit of admission/denial thereafter as per law.
- 10.No reply to the captioned IA has been filed on behalf of the defendant no.4. Let same be filed within four weeks and rejoinder thereto be filed within two weeks thereafter.
- 11.Office notice further shows that summons issued to the defendant no.3 Ms. Shashi Arora through ordinary mode received back with report that one lady met at the given address and she refused to receive the summons stating that her name was Shashi Bala, not Shashi Arora.
- 12.Ld. Counsel for plaintiff has submitted that defendant no.3 is sister of the plaintiff and fresh summons may be



issued to her by the name of 'Shashi Bala'. At request, the plaintiff may file amended memo of parties within two weeks.

13. Subject to filing of amended memo of parties, issue fresh summons of suit and notice of the captioned IA to the defendant no.4 through all permissible modes for next date of hearing.

14. The defendant no.4 may file written statement, reply to the captioned IA and affidavit of admission/denial of documents within 30 days from the date of service of summons with advance copy to the opposite party, who may file replication, rejoinder qua the captioned IA and affidavit of admission/denial of documents thereafter within 30 days.

15. Ld. Counsel for plaintiff has submitted that the plaintiff wishes to inspect original Will dated 28.9.2005 and original of sale-deed dated 07.10.1998 registered on 13.11.1998, filed on behalf of defendants no.1 & 2. Ld. Counsel for defendants no.1 & 2 submits that same will be produced on next date of hearing. Let the same be produced on next date of hearing for inspection by the plaintiff.

16. Let the pleadings be completed as per law.

17. Re-notify the matter and captioned IAs for completion of service, completion of pleadings and further proceedings on **01st May, 2024**.

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MARCH 7, 2024/v

Click here to check corrigendum, if any