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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, Adv. (through
VC).

versus

SH. KAMAL KISHORE CHOPRA & ORS.

.....Defendant

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

Ms. Avni Singh, Advocate for D-4
(email: legal.avni@gmail.com)

D-3 is yet to be served.

CORAM:

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

ORDER

01.05.2024

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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. Passover has been sought on behalf of plaintiff stating that main counsel for plaintiff is not available at this stage.
3. Be awaited.



At 12:30 p.m.

Present : None for the plaintiff.

Mr. Hirendra Kumar, Adv. for D-1 &
D-2 with D-1 in person.

Ms. Avni Singh, Adv. for D-4 (email:
legal.avni@gmail.com)

4. There is no appearance on behalf of plaintiff at this stage.
5. Pleadings in suit and captioned IA qua defendants no.1 and 2 are already complete.
6. Ld. Counsel for defendants no.1 & 2 has submitted that he has already supplied legible as well as true typed copy of Will dated 28.09.2005 on 15.03.2024 by speed post. He has further submitted that he has also filed the same vide diary no.787162/2024. As per office noting, the said diary no.787162/2024 is on record.
7. No written statement, affidavit of admission/denial of documents and reply of the captioned IA has been filed on behalf of defendant no.4.
8. Ld. Counsel for defendant no.4 submits that she was not supplied with copy of plaint and documents.
9. Heard. Perusal of record shows that no such submission was made by defendant no.4 on previous date of hearing i.e. 07.03.2024. However, without prejudice to rights & contentions, the plaintiff is directed to supply copy of complete paper book to Ld. Counsel for defendant no.4 by email/WhatsApp during the course of the day.
10. The defendant no.4 may file written statement, affidavit of admission/denial of documents and reply to captioned IA as per law with advance copy to the opposite party, who may file replication, affidavit of admission/denial of



documents and rejoinder qua the captioned IA thereafter as per law.

11. Amended memo of parties in respect of name of the defendant no.3 has not been filed on behalf of plaintiff in terms of order dated 07.03.2024. Let appropriate steps be taken as per law.
12. Subject to filing of amended memo of parties, issue fresh summons of suit and notice of the captioned IA to the defendant no.3 through all permissible modes for next date of hearing.
13. The defendant no.3 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.
14. Ld. Counsel for defendants no.1 & 2 has submitted that defendant no.1 has brought original Will and original sale-deed in terms of the previous order for inspection. However, there is no appearance on behalf of plaintiff at this stage.
15. It is submitted that the matter and captioned IAs are coming up for hearing before the Hon'ble Court on 08.05.2024.
16. Let the present matter and captioned IAs be placed before Hon'ble Court for further directions on the date already fixed i.e. **08th May, 2024.**

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)



17. At this stage, Mr. Ajay Sharma alongwith Mr. Abhishek Raj Sharma, Advs. for plaintiff have appeared and they have been apprised about today's proceedings and next date of hearing.
18. Ld. Counsels for plaintiffs have submitted that they could not appear at the time when case was called as they were busy in some other matter. They have further submitted the plaintiff has already filed amended memo of parties in terms of order dated 07.03.2024 vide diary no.1326255/2024, fresh replication qua defendants no.1 & 2 vide diary no.1326275/2024 and additional documents vide diary no.1326315/2024 today itself. However, the same are not on record. Let appropriate steps be taken as per law.
19. Let the present matter and captioned IAs be placed before Hon'ble Court for further directions on the date already fixed i.e. **08th May, 2024.**

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

MAY 1, 2024/v

Click here to check corrigendum, if any