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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 753/2023

**YASHASVI MALIK AND ANR (THROUGH
NATURAL MOTHER MRS KAMLESH) Plaintiff**

**Through: Mr. Hari Shankar, Adv. (joined
through VC)**

versus

**SHRI SEHDEV SINGH (NOW DECEASED) THROUGH
HIS LEGAL HEIRS Defendant**

Through: Ms. Bharti Sharma, Adv.

CORAM:

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

ORDER

% 23.02.2024

CS(OS) 753/2023

1. As per office note, Written Statement alongwith Affidavit of Admission/Denial of the documents and documents filed by the defendants are on record. However, on perusal of the Written Statement, it is found that it is only signed by three defendants and only supporting Affidavits of three defendants have been filed. At this stage, learned counsel for the defendants has clarified that she is representing all the defendants and concedes that she has not filed her Vakaltnama till date. She submits that she will file the same shortly. She further submits that the Written Statement has been filed by defendant no.1 to 5 only and defendant no.8&9 only. She submits that defendant no.6&7 are only a proforma defendants and that no Written Statement is required to be filed on behalf of said defendant no.6&7. She also submits that in the present matter, the defendant no.1&2 has executed a Special Power of Attorney in favour of defendant no.3 to allow him to pursue the present matter on their behalf and similarly, the defendant no.8&9 have executed a Special



Power of Attorney in favour of defendant no.4 to allow the defendant no.4 to pursue the present matter on their behalf. She submits that accordingly, the Written Statement is signed and that supporting Affidavits have only been filed only by defendant no.3,4&5. Learned counsel for the defendants is directed to carry out necessary corrections as per law as the title of the Written Statement reflects that the same having been filed by all the defendants.

2. It is pointed out by learned counsel for the plaintiff that even otherwise the Written Statement on record is not proper as the defendants have sought certain reliefs in their Written Statement without filing any Counter Claim and also that no Verification clause is there in the Written Statement, which is mandatory as per the settled procedure. Learned counsel for the defendants submits that she will take necessary steps as per law.

3. It is also pointed out by learned counsel for the plaintiff that the List of Documents filed by the defendants is not in the prescribed format. So, the defendants are directed to file fresh/proper List of Documents in the prescribed format within two weeks with copy to the opposite side. The defendants are also directed to make Written Statement complied with rules within two weeks with copy to the opposite side.

4. On perusal of the Memo of Parties filed by the plaintiff, it is found that the same is not proper. So, the plaintiff is also directed to file fresh/proper Memo of Parties within two weeks with copy to the opposite side.

5. The plaintiff is also at liberty to file Replication alongwith Affidavit of Admission/Denial of the documents



within stipulated period as prescribed by law with copy to the opposite side.

6. It be noted that there are nine defendants in the present matter, however, in the title of the suit, the registry is showing only one defendant. So, the registry is directed to carry out necessary corrections in the title of the suit.

Re-notify the matter for completion of pleadings/further proceedings on 31.05.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY23, 2024/ab

Click here to check corrigendum, if any