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

+ **CS(OS) 628/2010**

REKHA & ANR

..... Plaintiffs

Through: Mr. Raghavendra Mohan
Bajaj, Mrs. Renu Handa
Bajaj and Mr. Kanav
Agarwal, Advs. along with
plaintiff in person

versus

MANOJ KUMAR & ORS

..... Defendants

Through: Mr. Abhishek Dev, Adv.
for D-1 along with D-1,
None for D-2, 5, 6 & 7
Ms. Monica Kapoor, Adv.
for D-3 & 4 along with D-
4 in person

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. SHUCHI
LALER (DHJS)

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ORDER
15.01.2024

1. The matter is at the stage of plaintiff's evidence. The below mentioned IAs are pending:-

IA No. 4300/2010 u/O XXXIX R.1 & 2 CPC by plaintiff

2. Reply of defendant nos.2, 3 & 4 is on record.
3. No reply has been filed by remaining defendants.
4. The right of remaining defendants to file reply is



closed.

5. The right of plaintiff to file rejoinder is closed.

6. Pleadings are complete.

IA No. 4301/2010 u/s 151 CPC by plaintiff

6. Reply of defendant nos.2, 3 & 4 is on record.

7. No reply has been filed by remaining defendants.

8. The right of remaining defendants to file reply is closed.

9. The right of plaintiff to file rejoinder is closed.

10. Pleadings are complete.

IA No. 18376/2013 u/s 151 CPC by plaintiff

11. No reply has been filed by any defendant.

12. The right of defendants to file reply is closed.

13. Pleadings are complete.

IA No. 2191/2016 u/s 151 CPC by plaintiff

14. Reply of defendant no.1 is on record.

15. Reply of defendant no.3 and 4 is on record.

16. Rejoinder to reply of defendant nos.3 and 4 is on record.

17. Rejoinder to reply of defendant no.1 is on record.

18. The right of remaining defendants to file reply is closed.

19. Pleadings are complete.

IA No. 5282/2019 u/s 151 CPC for disposal of IA No. 2191/2016

20. Reply of defendant no.1 is on record.

21. The right of remaining defendants to file reply is closed.

22. The right of plaintiff to file rejoinder to reply of defendant no.1 is closed.



23. Pleadings are complete.

IA No. 17553/2019 u/s 151 CPC for summoning of witnesses

24. The captioned IA has already been disposed off as allowed vide order dated 22.01.2020.

25. Registry shall take note of the same.

IA No. 2007/2020 u/s 151 CPC for waiver of cost

26. Learned counsel for defendant no.1 and defendant no.3 and 4 submit that they do not wish to file reply to the captioned IA and have addressed arguments straightaway.

27. Arguments heard. Record perused. Vide order dated 05.07.2019, learned predecessor had imposed a cost of Rs. 10,000/- upon the plaintiff to be paid to the defendants.

28. Issues were framed in the instant matter on 13.03.2013 and since 24.05.2013, the matter is listed for plaintiff's evidence.

29. In the present application, it is stated that on 05.07.2019, father-in-law of witness had expired, so the witness could not appear on the date fixed. The plaintiff has further stated that she has no source of income and is living on meager amount of Rs. 5000/- as maintenance granted by the Hon'ble Court.

30. Though no cogent reason has been assigned by the plaintiff for delaying the proceedings as the matter is pending at the stage of plaintiff's evidence for more than ten years, considering the financial condition of plaintiff, the cost is waived to the extent of Rs. 5000/-. Remaining cost of Rs. 5000/- be paid to the defendants.

31. The captioned IA is disposed off in the above terms.

32. Only two opportunities will be granted to the



plaintiff to conclude her evidence.

33. The witnesses be summoned along with complete record in terms of order dated 22.01.2020 on filing of PF for the next date.

34. Re-notify the matter for plaintiff's evidence on 24.04.2024.

**SHUCHI LALER (DHJS),
JOINT REGISTRAR (JUDICIAL)
JANUARY 15, 2024/cd**

Click here to check corrigendum, if any