



\$~33

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 796/2024

RAJBIRI

.....Plaintiff

Through: Appearance not given.

versus

BALBIR SINGH KADIAN

.....Defendant

Through: Mr. Anil Hooda, Adv. along with
defendant in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

04.10.2024

I.A. 41235/2024 (under Section 151 CPC seeking exemption from service of advance notice)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

I.A. 41234/2024 (under Order II Rule 2 of CPC seeking adding the reliefs subsequently)

I.A. 41233/2024 (under Order XXVI Rule 9 seeking appointment of Local Commissioner)

I.A. 41236/2024 (under Order VII Rule 14 read with Section 151 CPC seeking grant of leave to file the original documents and grant permission to place on record true photocopies/true English translations/true typed copies)

3. Issue notice. The learned counsel appearing on advance service accepts notice on behalf of the non-applicant/defendant.
4. Let reply to the applications be filed within a period of three weeks.



Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

CS(OS) 796/2024

5. The plaint be registered as a suit.
6. Issue summons to the defendant. Mr. Anil Hooda, the learned counsel appearing on advance service accepts summons on behalf of the defendant and waives the service of formal summons.
7. Let defendant file written statement within a period of thirty days from the date of receipt of complete paper book. The defendant shall also file an affidavit of admission/denial of the documents filed by the plaintiffs, failing which the written statement shall not be taken on record.
8. The summons shall indicate that written statement be filed within thirty days from the date of receipt of summons. The defendant shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.
9. The plaintiff is at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.
10. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
11. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
12. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 09.12.2024.
13. List before Court after completion of pleadings on 03.02.2025.



I.A. 41232/2024 (under Order XXXIX Rules 1 and 2 seeking grant of *ad interim ex parte* injunction by plaintiff)

14. Issue notice. The learned counsel appearing on advance service accepts notice on behalf of the defendant.
15. He, on instructions, submits that till the next date, the defendant, as well as, his agents, etc. will maintain *status quo* as to the title and possession of the suit property. The statement is taken on record.
16. Let reply to the application be filed within a period of three weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.
17. List before the learned Joint Registrar for completion of service and pleadings on 09.12.2024.
18. List before Court on 03.02.2025.

VIKAS MAHAJAN, J

OCTOBER 4, 2024/dss