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

+ CS(OS) 110/2017

SOUTH DELHI MUNICIPAL CORPORATION Plaintiff

Through: Mr. Rakesh Mittal & Mr. Ajay
Harshana, Advs

versus

DELHI GURGAON SUPER CONNECTIVITY LIMITED &ORS.

..... Defendants

Through: Mr. Ashish Dholankia, Mr. Gautam
Bajaj, Mr. Akash Panwar & Mr. Rohan
Chawla, Advs for D1.

Mr. Neeraj Malhotra, Senior Counsel
with Mr. Ajit Warriar, Mr. Angad

Kochhar & Mr. Sharad Kharra, Advs for
D2.

Mr. Ajit Warriar, Mr. Angad Kochhar &
Mr. Sharad Kharra, Advs for D3.

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **21.01.2020**

IA No. 7663/2017 (filed by defendant No.2)

Further arguments heard.

Counsel for plaintiff has handed over written submissions running over six pages alongwith judgments. He is requested to file fresh written synopsis in not more than three pages within three days.

Learned Senior counsel for applicant submits that he will file written synopsis alongwith compilation containing relevant pages and extracts within three days. Same be filed as submitted.

List for order on 28.01.2020.

RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)

JANUARY 21, 2020

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

+ **CS(OS) 316/2018**

HEMA SWAMY & ANR. Plaintiffs

Through: Mr. Antony R. Julian, Adv

versus

RADHIKA BHUSHAN MISRA & ORS. Defendants

Through: Mr. Ankit Jain, Adv for D1.

Mr. Ujjwal Goel, proxy counsel for Mr.
Vipin Jai, Adv for D2.

Ms. Poonam, proxy counsel for Mr Anil
Wilson, Adv for D5.

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER
21.01.2020

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**IA No. 16879/2019 (u/O XI Rule 21 r/w Section 151 CPC filed by
plaintiffs for striking out the defence of defendant No.1)**

Learned counsel for defendant No.1 seeks time to file reply to
the IA. Let reply, if any be filed by defendant No.1 within two weeks.

**IA No. 17094/2019 (u/S 151 CPC filed by plaintiffs for seeking
directions against defendant No.2 to 5 for compliance of order
dated 11.09.2019 passed in IA No. 15128/2018)**

In compliance of order dated 11.09.2019 affidavit alongwith
copy of bank details filed on behalf of defendant No.2.

Learned counsel for defendant No.5 submits that reply to the IA
is ready but due to certain technical defects, same could not be filed

earlier. She submits that she will file reply in the registry during course of the day. Same be filed as submitted.

Copy of reply already supplied by counsel for defendant No.5 to plaintiffs.

Notice of IA has been served upon counsel for defendant No.3 & 4. Defendant No.3 & 4 are directed to file their response to the application within two weeks.

List for completion of pleadings in the IAs and for consideration on 25.02.2020.

**RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 21, 2020
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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 460/2019**

HARMEET SINGH

..... Plaintiff

Through: Mr. R. K. Kohli, Adv

versus

SURINDER SINGH & ORS.

..... Defendants

Through: Mr.Yatin Chadha & Mr. Mayank
Chadha, Advs for D1, 4 & 5.

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **21.01.2020**

IA No. 787/2020 (u/S 151 CPC filed by defendant No.1, 4 & 5 for seeking exemption)

Allowed, subject to all just exceptions.

IA stands disposed of accordingly.

IA No. 788/2020 (u/O VIII Rule 1 r/w Section 151 CPC and Section 5 of The Limitation Act filed by defendant No.1 , 4 & 5 for seeking condonation of delay in filing of written statement)

There is delay of around 50 days in filing of written statement by applicants. This is a suit for Partition filed by plaintiff against defendants.

For the reasons stated in the application and submissions made by learned counsel for both the parties and as the applicants have already filed written statement to the suit of plaintiff and affidavit for admission/denial of documents, instant application filed by applicants

is hereby allowed.

Written statement, documents and affidavit for admission/denial of documents already filed by defendant No.1, 4 & 5 are directed to be taken on record, in the interest of justice.

IA stands disposed of accordingly.

CS(OS) 460/2019

As per office report, defendant No.3 has been served on 29.11.2019 while defendant No.6 has been served on 28.11.2019. Affidavit of service filed by plaintiff.

Defendant No.2 has already been served as recorded in the ordersheet dated 01.11.2019. There is no appearance on behalf of defendant No.2, 3, & 6 despite due service of process upon them. They have also not filed their response to the suit of plaintiff till date.

Defendant No.2, 3 & 6 are directed to file their response to the suit of plaintiff alongwith affidavit for admission/denial of documents within prescribed time with advance copy to counsel for plaintiff.

Plaintiff shall file replication and affidavit for admission/denial of documents within four weeks.

List for completion of pleadings and marking of exhibits to the documents on 11.03.2020.

**RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 21, 2020

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 346/2017**
SH. NITIN JAISWAL & ANR Plaintiffs
Through: Mr. Sunil Kumar and Mr. Ankit Dixit,
Advs

versus

M/S ALLIED MOTORS LTD. & ORS Defendants
Through: Mr. Rohan Poddar, Adv for D1, 3 to 5.
Ms. Urvashi Tripathi, proxy counsel for
Mr. Sanjay Kumar Sharma, Adv for D2.

Proceedings: 11:20 AM to 11:55 AM.
Evidence recorded: 11:30 AM to 11:40 AM.
No. of pages: 01.

CORAM:
SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)

% **ORDER**
21.01.2020

Examination in chief of PW1- Mr. Nitin Jaiswal recorded. His cross examination is deferred on the request made by counsel for defendants, who submits that the affidavit of witness was delivered in his office on Saturday evening and he got the same only on Monday and therefore, due to paucity of time, he could not prepare for cross examination.

List for cross examination of PW1 on 28.04.2020.

RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)

JANUARY 21, 2020/sk

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 378/2017**
M/S AADHAR STUMBH TOWNSHIP LIMITED Plaintiff
Through: Mr. Prateek Popli, proxy counsel for Mr.
Vivekanand, Adv

versus

DELHI DEVELOPMENT AUTHORITY & ANOTHER.. Defendants
Through: Mr. Dhanesh Relan, Standing Counsel
with Ms. Komal Sorout & Ms. Pallavi
Nagar, Advs for DDA.

CORAM:
SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER
% **21.01.2020**

No PW present.

Learned counsel for plaintiff submits that PW1- Mr. Sunil Gupta could not come to the Court today for his deposition as he is suffering from high fever. Accordingly, as prayed on behalf of plaintiff, in the interest of justice, matter is adjourned. He further submits that plaintiff does not wish to examine any other witness except Mr. Sunil Gupta whose affidavit is already on record.

List for examination and cross examination of PW1 on 31.03.2020.

RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)

JANUARY 21, 2020
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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 25/2019**

M/S PADMASHREE INC

..... Plaintiff

Through

versus

M/S UTTAM ENTERPRISES

..... Defendant

Through

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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21.01.2020

Deleted.

**RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 21, 2020

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

+ **CS(COMM) 26/2019**

M/S PADMASHREE INC Plaintiff

Through

versus

M/S UTTAM ASSOCIATES Defendant

Through

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **21.01.2020**

Deleted.

**RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 21, 2020

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

+ **CS(OS) 296/1998**

NEW DELHI TELEVISIONS LTD.

..... Plaintiff

Through: Mr. Sanjay Gupta & Mr. Indrapruteek
Naidu, Advs

versus

UNION OF INDIA AND ANR.

..... Defendants

Through: Mr. Rajeev Sharma, Adv

Proceedings: 02:15 PM to 02:50 PM.

Evidence recorded: 02:18 PM to 02: 46 PM.

No. of pages: 02.

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER
21.01.2020

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DW1- Mr. Dhiranjan Malvey examined and partly cross
examined. His further cross examination is deferred on request of
parties.

List for further cross examination of DW1 on 15.04.2020.

**RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 21, 2020

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

+ CS(OS) 895/1998

SURENDRA VERMA

..... Plaintiff

Through: Mr. Deepak Gupta, Adv

versus

UMA VERMA & ORS

..... Defendants

Through: Mr. N. K. Nayyar, Adv for D1 to 3.

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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21.01.2020

No DW present. Summons issued to DW- Mr. M. N. Sharma, Advocate returned back unserved. Report perused. Fresh summons be issued to him, on taking of necessary steps by defendants, returnable for next date of hearing. Dasti summons also allowed for effective service.

Bailable warrant issued to Mr. G. L. Tandon not received back. Same be awaited. Meanwhile, fresh bailable warrant be issued to him in terms of order dated 30.10.2019 executable by SHO/SO of Local Police Station concerned, returnable for next date of hearing.

Summons issued to witness Mr. Praveen Kumar returned back unserved with report “premises locked”. Fresh steps for his service in terms of previous order be taken by defendants. Dasti summons also allowed.

List for defendants' evidence on 24.04.2020.

RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)

JANUARY 21, 2020

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

+ TEST.CAS. 33/2009

SMT. UMA VERMA & ORS

..... Petitioners

Through: Mr. N. K. Nayyar, proxy counsel for Mr.
Maan Nayyar, Adv

versus

SHRI SURENDRA VERMA & ORS

..... Respondents

Through: Mr. Deepak Gupta, Adv for R1.

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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21.01.2020

List alongwith CS (OS) No. 895/1998 titled as *Surendra Verma*
vs *Uma Verma & Ors* on 24.04.2020.

**RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 21, 2020

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

+ **CS(COMM) 25/2018**

SHARP MINT LTD. Plaintiff

Through: Mr. Bhaskar Tiwari, Adv

versus

ORIENTAL INSURANCE COMPANY LTD. Defendant

Through: Mr. Anant Prakash, Adv

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **21.01.2020**

IA No. 836/2020 (u/S 151 CPC filed by plaintiff for summoning of witnesses)

Matter is at the stage of plaintiff's evidence.

Instant application filed by plaintiff is hereby allowed. The witness, whose particulars are given in para No.3 of the IA, be summoned, on taking of necessary steps by applicant/plaintiff, returnable for next date of hearing. Dasti summons also allowed.

IA stands disposed of accordingly.

**RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 21, 2020

Sk

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

+ **CS(COMM) 433/2019**

NOVEX COMMUNICATIONS PRIVATE LIMITED Plaintiff

Through: Mr. Pankaj Anil Arora, Adv

versus

SMAAASH ENTERTAINMENT PRIVATE LIMITED & ANR.

..... Defendants

**Through: Ms. Mrinalini Sen, Ms. Kritika Gupta &
Mr. Tanmay Yadav, Advs**

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% 21.01.2020

**IA No. 16147/2019 (u/O VIII Rule 1 r/w Section 151 CPC filed by
defendants for seeking extension of time to file written statement
and reply to injunction application)**

Instant application filed by defendants is dismissed as
withdrawn being not pressed having already become infructuous.

IA stands disposed of accordingly.

**IA No. 831/2020 (u/O VIII Rule 1 CPC r/w Section 5 of The
Limitation Act filed by defendants for seeking condonation of
delay in filing of written statement)**

Notice of IA accepted by counsel for plaintiff, who seeks time
to file reply.

Necessity for filing of reply is not felt. There is reported to be
delay of 59 days in filing of written statement by defendants.

Defendants have already filed written statement alongwith affidavit for admission/denial of documents. Parties are also negotiating for settlement of dispute before learned Mediator at Delhi High Court Mediation & Conciliation Centre which is reported to be listed tomorrow.

Considering the aforesaid facts into account, averments made in the application and submissions advanced by learned counsel for parties, instant application filed by defendants is hereby allowed. Written statement, documents, if any and affidavit for admission/denial of documents already filed by defendants are directed to be taken on record, in the interest of justice.

The IA stands disposed of accordingly.

CS(COMM) 433/2019

Replication alongwith affidavit for admission/denial of documents be filed by plaintiff within four weeks.

List for completion of pleadings and marking of exhibits to the documents on the date already fixed in the case i.e. on 05.03.2020.

**RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 21, 2020
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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 1218/2018**

RAJESH ARORA & ORS. Plaintiffs

Through: Mr. Harish Malhotra, Senior Adv with
Ms. Radhika Arora & Mr. Abhishek
Gupta, Advs

versus

KAMALJEET SINGH AHLUWALIA & ORS. Defendants

Through: Mr. Preetpal Singh, Mr. Sameer
Chaudhary & Mr. Palash Agarwal, Advs

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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21.01.2020

**IA No. 16709/2019 (u/O XI Rule 14 r/w Section 151 CPC filed by
defendants for seeking production of documents)**

By way of present application, defendant No.1 seeks direction to plaintiffs for production on oath the documents as mentioned in para No.11 of the IA. It is submitted that the documents sought to be produced are in power and possession of plaintiffs and their production is very necessary for purpose of complete and effectual disposal of all the issues that arise in the present suit. It is further submitted that defendants sent notice dated 26.10.2019 and called upon plaintiffs to produce certain documents which was duly served upon plaintiffs as well as their advocate. The plaintiffs' witness

CS(COMM) 1218/2018

Page 1 of 4

during his cross examination on 31.10.2019 admitted receipt of the notice and stated that he would file reply to the notice in accordance with law. The plaintiffs vide their reply dated 18.11.2019 have evasively denied to produce the documents before the Court though have admitted that most of the documents are in their power and possession. It is submitted that plaintiffs are intentionally with malafide intentions are not producing the documents before the Court because the same demolishes their false case. In support of his submissions learned counsel for defendant relied upon judgment titled as *M. Sivasamy vs Vestergaard Frandsen A/s 2010 (1) AD (Delhi) 211: 2009 (113) DRJ 820: 2010 (42) PTC 273*.

Learned Senior Counsel for plaintiffs submitted that plaintiffs' evidence has already been concluded, evidence of defendant No.1 is also complete and evidence of defendant No.3, being defendant No.2, is underway. He submitted that as per settled position of law, after evidence of a party is closed, no direction can be sought against said party to produce the documents under Order XI Rule 14 CPC and therefore, the present application filed by defendant is not maintainable. He further submitted that in the entire application, defendants have failed to mention as to why the said documents are relevant for the purposes of adjudication of the suit. He argued that issues in the case were framed on 21.05.2019 and none of the issues pertain to account books or the service tax liability of the plaintiffs. He submitted that as per the case of defendants several invoices of the plaintiffs have been paid by the defendants. However, now to seek

financial records of the plaintiffs from 2008 to 2019 is nothing but a witch hunt and a roving inquiry into the financial record of plaintiffs with the sole intention of delaying the suit proceedings. He further submitted that the documents sought by defendants are personal accounts of the plaintiffs and therefore, production of the same cannot be ordered as it would tantamount to encroachment on the privilege information of the plaintiffs. He submitted that plaintiffs are entitled to keep their business affairs and names of their associates and customers out of public domain as it may result into unwanted exposure of their business details to rival businessmen. He submitted that the application filed by defendants is absolutely misconceived and prayed to dismiss the same.

I have heard and considered the submissions advanced by learned counsel for both the parties and perused the material on record.

No reason has been given in the application how the documents sought to be produced from the plaintiffs are relevant and material for complete and effectual adjudication of matter in dispute between the parties. Parties have to stand on their own legs to prove their case. If a party fails to produce or withholds certain documents, which are necessary for proving the case, that party shall suffer the consequences.

It is matter of fact that plaintiffs have already concluded their evidence. Evidence of defendant No.1 is also complete. Evidence of defendant No.3, who is defendant No.2 in the case, is underway.

In para No.8 of the IA, the defendants have themselves stated that they have obtained certified copies of the documents, detailed in para No.8 of the IA from Registrar of Companies, New Delhi. The said documents being public documents can be proved by defendants themselves in accordance with law.

Admittedly, the defendants issued notice dated 26.10.2019 to plaintiffs to produce the documents. The plaintiffs, despite service of notice, have allegedly not produced the documents as sought to be produced by defendants. For this, adverse inference may be drawn against the plaintiffs at appropriate stage, if required.

For the reasons stated in the application, no such direction as prayed in the IA is required and called for. The application is accordingly dismissed.

IA No. 16671/2019 (u/S 45 of The Indian Evidence Act r/w Section 151 CPC filed by defendants for appropriate directions)

Pleadings in the IA are already complete.

List before Hon'ble Court on the date already fixed in the case i.e. on 30.01.2020.

**RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 21, 2020

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CS(COMM) 1218/2018

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