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

+ **CS(OS) 1895/2012**

MAYA SHANKER GUPTA

..... Plaintiff

Through: Appearance not given.

versus

SHAKUNTALA GUPTA & ORS

..... Defendant

Through: Mr. Harpreet Singh Uppal, Advocate
for D1, 2, 3, 6 & 7.

Mr. S. N. Gupta, Advocate for D4.

CORAM:

SH. RAJESH KUMAR SINGH (DHJS), JOINT REGISTRAR

ORDER

% **23.02.2017**

IA No.14019/2016 under section 151 CPC filed by defendant No.4

1. By way of this IA dated 02.11.2016 (filed on 08.11.2016), defendant No.4 seeks leave to file his response/objections to the will filed by defendant No.1 to 3, 6 and 7. Application is opposed by defendants No.1 to 3, 6 & 7.
2. It is stated in the IA that defendant No.4 is supporting the claim of the plaintiff that all defendants have equal share in the suit properties and he was made to understand that there was no need for him to file written statement. Recently he has come to know that the defendants are relying upon a will on the basis of which defendant No.1 claims to be the owner of the properties left behind by Mr. R. K. Gupta. Therefore, it has become necessary for him to



file objections/ response as prayed.

3. Right of defendant No.4 to file written statement was closed vide order dated 14.03.2013. Written statement was filed by defendants No.1 to 3, 6 & 7 before 14.03.2013. Plaintiff filed replication to the written statement. Issues were framed vide order dated 05.02.2015. Plaintiff has appeared as a witness and he was partly cross examined on 04.04.2016. This application has been moved after part cross examination of PW1. Defendant No.4 cannot be permitted to now file response to the written statement of the above mentioned defendants to fill the lacuna in the pleadings of the plaintiff. If at all defendant No.4 wanted to file response to the written statement of the above mentioned defendants, it should have been done. After framing of issues and part cross examination of the plaintiff, this liberty cannot be granted. Accordingly, IA is dismissed.

CS(OS) 1895/2012

List on 12th & 13th of July, 2017 for PE.

**RAJESH KUMAR SINGH (DHJS)
JOINT REGISTRAR**

FEBRUARY 23, 2017/sk