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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(OS) 1895/2012
MAYA SHANKER GUPTA Plaintiff

Through: Ms. Shivani Oberoi, LR of
deceased plaintiff

Versus

SHAKUNTALA GUPTA & ORS Defendants

Through: Mr. Utkarsh Batra, Adv. for
D-2,3,6&7 (Mob.9868312318)
Ms. Priyanka Gautam, Adv. for
D-5(a) & (b)

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)

ORDER

% **29.02.2024**

IA No.24513/2023 under Section 151 CPC moved by
the defendant no.5 seeking exemption from filing
Certified copies; and
IA No.24550/2023 under Order XXII Rule 4 (2) CPC
moved by LRs of D-5 seeking permission to file Written
Statement on behalf of all LRs of D-5

Learned counsel for the defendant no.2,3,6&7 seeks some time to file reply to the captioned IAs on the ground that defendant no.2&3 are unwell and therefore, he could not file reply to the captioned IAs. The last and final opportunity is granted to defendant no.2,3,6&7 to file reply to the captioned IAs within three weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter.

No reply to the captioned IAs has been filed by LRs of the plaintiff till date. At request, the reply to the captioned IAs be filed by LRs of the plaintiff within three



weeks as a last and final opportunity, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

At request, fresh notice of captioned IAs be issued to defendant no.4 as a last and final opportunity to the applicants through counsel by all permissible modes on taking steps by the applicants, returnable for the next date of hearing.

Re-notify the captioned IAs for completion of pleadings/consideration on the next date of hearing.

IA No.12076/2023 under Order XXII Rule 3 CPC moved by all the LRs of the plaintiff

Learned counsel for the defendant no.5(a) & (b) submits that he has no objection to captioned IA.

On the last date of hearing i.e. 08.12.2023, it is stated by learned counsel for the defendant no.2,3,6&7 that he has filed his Vakalatnama on behalf of said defendants. However, till date, no such Vakalatnama on behalf of defendant no.2,3,6&7 is on record. So, learned counsel for defendant no.2,3,6&7 is directed to take requisite steps to bring his Vakalatnama on record.

It is already stated by learned counsel for the defendant no.2,3,6&7 and defendant no.5(c) to (f) that they have no objection to captioned IA.

The right of defendant no.4 to file reply has already been ordered to be closed.

Adjournment is sought by LRs of the plaintiff on the ground that her counsel is unwell today.

At request, re-notify captioned IA for consideration on the next date of hearing.

CS(OS) 1895/2012



As per office note, Written Statement filed by LR of D-5 is still under objections. LR of defendant no.5 are directed to take requisite steps within two weeks to bring Written Statement on record. Moreover, an application seeking permission to file Written Statement filed by LR of defendant no.5 is pending consideration.

Re-notify the matter for further proceedings on the next date of hearing.

IA No.20929/2023 under Order XI Rule 14 moved by all LR of defendant no.5

It is stated by learned counsel for the defendant no.2,3,6&7 as well as LR of the plaintiff that despite directions, they have not received copy of the captioned IA till date from the applicants. No plausible explanation is furnished by learned counsel for the LR of defendant no.5 for not supplying copy to captioned IA till date. So, cost of Rs.500/- is imposed upon the LR of deceased defendant no.5 to be deposited with Delhi High Court Legal Services Committee and the LR of D-5 is directed to supply copy of the captioned IA to learned counsel for the plaintiff as learned counsel for the defendant no.2,3,6&7 within two days through email. Thereafter, reply, if any, to captioned IAs be filed by LR of plaintiff and defendants present today within three weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

The applicants have not taken steps for service of defendant no.4. At request, fresh notice of captioned IA be issued to defendant no.4 through counsel by all permissible modes on taking steps by the applicants, returnable for the next date of hearing.



Re-notify the captioned IAs for completion of pleadings/consideration on 24.05.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 29, 2024/ab
Click here to check corrigendum, if any