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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 197/2016

RAJBIR SINGH

..... Plaintiff

Through

Mr. Madhu Mukul Tripathi, Adv.

versus

TRILOK CHAND & ORS.

..... Defendant

Through

Mr. G. S. Singh, Adv.

CORAM:

**ASHUTOSH KUMAR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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01.03.2017

IA No.13768/2016 u/S 151 CPC moved by defendants for supply of complete documents of the plaintiff as referred in the suit to file effective written statement

Learned counsel for defendants has submitted that the captioned IA has been moved by all the defendants.

No reply has been filed.

Learned counsel for plaintiff has submitted that he does not wish to file any formal reply and he is ready for arguments.

Arguments heard.

Learned counsel for defendants has submitted that exemption in IA No.5286/2016 was allowed vide order dated 02.06.2016 of the Hon'ble Court but compliances have not been made by the plaintiff till date and unless the said documents are filed and copies thereof supplied, defendants cannot file their effective written statement and accordingly plaintiff may be directed to file the same and supply copies thereof.

Learned counsel for plaintiff has submitted that plaintiff has

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filed photocopies or translated copies of whatever documents were in his possession and that aforesaid exemption application was allowed subject to just exceptions. He has further submitted that there is no other document in the domain or possession of the plaintiff (except copies of three documents in Hindi language, translated copies whereof have already been filed on record).

Perusal of case file reveals that defendant no.1 to 8 were served on 08.08.2016, 08.08.2016, 05.08.2016, 30.08.2016, 05.08.2016, 30.08.2016, 05.08.2016 & 30.08.2016 respectively and complete copies must have been supplied at the time of their service and in case the copies were not complete, defendants ought to have moved an application for supply of the deficient copies. Even otherwise it has not been specifically mentioned in the application as to which of the copies have not been supplied. Rather the defendants are asking the plaintiff to supply the copies of documents, which are not even filed on record.

The captioned IA was moved only on 03.11.2016 i.e. more than at least two months after the date of respective service of defendants. No justifiable explanation has been given by learned counsel for defendant for inordinate delay in moving the captioned IA, which create doubts in mind that defendants are indulging in delaying tactics. The defendants could have filed their written statement within the stipulated statutory period from the date of their respective service and taken all objections available to them including about the

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documents referred to by learned counsel for defendants. No justifiable ground to allow the application is made out. Accordingly the captioned IA is dismissed with cost of Rs.5000/- to be paid by the defendants to the plaintiff. IA stands disposed of.

IA No.2542/2017 u/O VIII R1 r/w Section 151 CPC moved by defendants for taking on record the written statement

Learned counsel for plaintiff has accepted notice of the captioned IA. At request, copy of the same be supplied to him during the course of day. Reply may be filed within ten days with advance copy thereof be supplied to opposite side, who may file rejoinder thereto within one week thereafter.

Learned counsel for Plaintiff has submitted that an application u/O VIII R10 CPC for striking of the defence of the defendants shall be filed during the course of day. Advance copy thereof be supplied to opposite side. Reply may be filed within ten days with advance copy thereof be supplied to opposite side, who may file rejoinder thereto within one week thereafter.

Re-notify for completion of pleadings and for arguments on IA 2542/2017 on 31.03.2017.

**ASHUTOSH KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MARCH 01, 2017/ab