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

+ CS(OS) 2122/2015

CC 79/2016

I.A. 7603/2017 (under Order VII Rule 11 CPC for rejection of counter claim –by plaintiff)

CRL. M.A.2002/2019 (under Section 340 Cr.P.C.)

I.A. 1351/2019

HARJIT KAUR

..... Plaintiff

Represented by: Mr.N.S. Dalal, Advocate.

versus

SHANKAR MUKHERJEE

..... Defendant

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **01.10.2020**

The hearing has been conducted through Video Conferencing.

I.A. 8810/2020 (under Section 151 CPC for preponing the date of final argument of application under Order VII Rule 11 (a), 11(c) and 11(d) CPC-by plaintiff)

1. By this application, plaintiff seeks early hearing of I.A. No.7603/2017 under Order VII Rule 11 CPC filed by the plaintiff seeking rejection of the counter claim bearing No.79/2016 filed by the defendant.
2. The present suit has been filed by the plaintiff seeking a decree of declaration in respect of the property bearing No.B-399, Chitranjan Park, New Delhi admeasuring 160 sq.yards, declaring the plaintiff as the absolute owner of the said suit property.



3. Case of the plaintiff is that the plaintiff has purchased this property from the father of the defendant however, now the defendant is creating unnecessary hurdles and hence the suit.
4. In view of the fact that the defendant's stand was not convincing this Court had even recorded the statement of the defendant under Order X CPC vide order dated 5th September, 2018. The defendant was to produce the original documents and file the affidavit which he did not produce nor filed the affidavit. Further an application under Section 340 Cr.P.C. bearing CrI.M.A. No.2002/2019 has also been filed against the defendant by the plaintiff. Plaintiff is 86 years old and hence the application under Order VII Rule 11 CPC and the suit needs to be expedited.
5. Issue notice in this application to the defendant on the plaintiff taking steps through email, SMS, Whatsapp, Speed Post and Courier, returnable before Court on 13th October, 2020.
6. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

OCTOBER 01, 2020
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