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

+ CS(OS) 532/2018, I.A. 14408/2018, I.A. 14168/2019

DEVANAND & ANR.

..... Plaintiffs

Through: Mr. N.K. Aggarwal, Ms.Nupur Sachdeva, Ms.Sanjana Antil, Ms.Yogita Sunaria, Ms.Vismaya Bansal, Ms.Shreya Mittal & Mr.Atul Tanwar, Advocates.

versus

SMT. LILA DEVI & ORS.

..... Defendants

Through: Mr. Kushal Kumar, Advocate for D-1 to 11, 16 & 17.
Mr. B.K.Jha, Mr.Manoj Kumar & Mr.Sumit Suman, Advocates for D-14.(M:-9312107753)
Mr.Devagya Kainth & Mr.Rahul Bora, Proxy Counsel for Mr.C.S. Bhandari, Advocates for D-15.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.02.2020

1. By the order dated 15.10.2019, defendant no. 14 was directed to file a further affidavit in terms of the order dated 05.08.2019. The affidavit has been filed on 04.12.2019. However, learned counsel for the plaintiffs state that he has not been served with the copy of the affidavit. A copy of the affidavit has been handed over to him in Court today.

2. Learned counsel for the plaintiffs further states that the documents filed by defendant no.14, pursuant to the orders dated 11.12.2018 and 05.08.2019 do not constitute the complete chain of title documents. However, learned counsel for defendant no. 14 states that all the documents in his possession have been filed under Diary No. 113200/2019 on 09.10.2019. He submits that defendant no. 14 does not possess any other title document relating to the properties in question.

3. Learned counsel for the plaintiffs point out that in the order dated 11.12.2018 the submission made on behalf of defendant no. 14 was recorded to the effect that he has custody of title documents in respect of item nos. 1 to 11 and item no. 13 of the list of properties mentioned in the plaint. However, no documents relating to the properties at item nos. 1, 6 and 7 have been filed.

4. It is now stated by learned counsel for defendant no. 14 that documents relating to these three properties were not in fact in his custody. This statement is directly contradictory to the statement made on his behalf on 11.12.2018. In view of the fact that no documents have been filed regarding these properties, defendant no. 14 shall remain present in Court on the next date for recording of his statement, in terms of the directions contained in order dated 05.08.2019.

5. Pursuant to the order dated 15.10.2019, Mr. Mohit Singhal, Oath Commissioner, Tis Hazari Courts, Delhi is present and has produced his register. It shows that when the affidavit of defendant no. 14 dated 02.09.2019 was to be affected, the signatures of the defendant no. 14 and his counsel were taken. Learned counsel for defendant no. 14

and the Oath Commissioner both submit that the name of defendant no. 14 was inadvertently incorrectly recorded. The Oath Commissioner is directed to be careful in future and ensure that the procedure for attestation of affidavits is strictly complied with.

6. List on 21.07.2020.
7. Interim orders to continue.

PRATEEK JALAN, J

FEBRUARY 17, 2020

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