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

+ **CS(OS) 626/2016**

ANIL MADAN

..... Plaintiff

Through: Ms. Sonia Madan, Adv.
(Mobile No.7827294990)

versus

DINESH MADAN & ORS

..... Defendant

Through: Mr. Shailendra Paul, Adv. for D-1 (Mobile No.9810015370)
Mr. Ankit Jain, Adv. for D-2
Mr. Ashish Mohan & Ms.Sagrika Tanwar, Adv. for D-3 (Mobile No.9910946968)
Mr. U.D. Bhargava, Adv. for D-9 (Mobile No.9810804048)

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. MANISH SHARMA, (DHJS)

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ORDER
04.02.2023

I.A.No.16022/2016 (under Order XXXIX Rule 1 & 2 CPC filed on behalf of the plaintiff)

1. Reply to the captioned IA has been filed on behalf of defendant no.8 & 9.

I.A.No.7261/2018 (under Order VII Rule 11 read with Section 151 CPC filed on behalf of defendant no.3 seeking rejection/dismissal of the plaint)

2. Reply to the captioned IA has been filed on behalf of plaintiff.



I.A.No.8144/2019 (under Order XXXIX Rule 7 & 10 read with Section 151 CPC filed on behalf of the plaintiff for directions to the defendants to deposit the rent/profit in the Office of Registrar, Delhi High Court or in the alternative appoint Receiver under Order XL of CPC)

3. Reply to the captioned IA has been filed on behalf of defendant no.2.

4. Rejoinder has been filed by the plaintiff.

I.A.No.14828/2022 (under Section 151 CPC filed on behalf of defendant no.1 for condonation of delay in filing reply to I.A.No.17557/2019 &

I.A.No.14829/2022 (under Section 151 CPC filed on behalf of defendant no.1 for condonation of delay in re-filing reply to I.A.No.17557/2019

5. Reply to the captioned IAs has not been filed till date.

6. Learned counsel for defendant no.1 averred that the defendant no.1 was granted four weeks time for filing reply to IA No.17557/2019 on 09/12/2019 and reply was filed on 08/10/2020, however, the same could not be filed within the time granted and there is a delay of around 273 days in filing the said reply. Learned counsel for defendant no.1 submits that delay in filling reply to I.A.No.17557/2019 may be condoned in view of the directions of the Hon'ble Supreme Court in Re: Cognizance for Extension of Limitation; Suo Motu WP(C) No.3/2020.

7. Arguments heard. Record perused.

8. The Hon'ble Supreme Court in Re: Cognizance for Extension of Limitation; Suo Motu WP(C) No.3/2020, has excluded the period from 20/03/2020 to 28/02/2022 for the purpose of computing the period of limitation. In



view thereof, delay in filing & re-filing reply to IA No.17557/2019 is condoned. Reply to IA No.17557/2019 is taken on record.

9. Both the IAs stand disposed of.

I.A.No.17557/2019 (under Section 151 CPC filed on behalf of the plaintiff seeking permission to add the left out property of late Shri Jagdish Chander Madan situated at Village Harsaru, Tehsil & District Gurgram and E-5A, Hauz Khas New Delhi-110016 along with documents to be partitioned among the Class-I legal heirs)

10. Reply to the captioned IA has been filed on behalf of defendant no.1.

11. Plaintiff shall file rejoinder within four weeks with advance copy.

I.A.No.7990/2021 (under Section 151 CPC filed on behalf of the defendant no.2 to place on record the registered Will of defendant no.2 in a sealed cover)

12. No reply to the captioned IA has been filed.

13. Pleadings be completed as per law.

IA No.7309/2022 (Application filed by plaintiff under Order XI Rules 12 & 14 read with Section 151 CPC on behalf of the plaintiff for directing defendants no. 1, 2 and 3 to discover documents)

14. Written submissions have been filed on behalf of the plaintiff.

15. As per office note of 21/12/2022, affidavit has been filed on behalf of defendant no.3.

16. As per office note of 23/11/2022, revised affidavit has been filed on behalf of defendant no.2.

IA No.7310/2022 (Application filed by plaintiff under Order XI Rule 1 read with Section 151 CPC on behalf of the plaintiff)



17. Written submission has been filed on behalf of the plaintiff.

18. Re-notify the matter for arguments on the captioned IA on the next date.

I.A.No.19475/2022 (under Section 151 CPC filed on behalf of the plaintiff against the filing of the affidavit dated 08/10/2022 by defendant no.2/Bimla Madan in compliance of order dated 21/09/2022 as well as revised affidavit dated 12/10/2022)

19. As per office note, nothing fresh has been filed.

20. Learned counsel for defendant no.1, 2, 3, 5 & 9 seek further time to file reply.

21. Let reply be filed by the defendant no.1, 2, 3, 5 & 9 within two weeks with advance copy.

22. Rejoinder, if any, be filed within a week thereafter.

23. Issue notice of the captioned IA to the remaining defendants through counsel, on filing of PF, returnable for the next date of hearing.

24. Re-notify the matter for arguments on the captioned IAs on **09th March, 2023.**

**MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 4, 2023/nk

Click here to check corrigendum, if any