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

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

ANIL MADAN

.....Plaintiff

Through: None for proposed LR no.(a) Mrs. Veena Madan (applicant in IA No. 705/2024).

Ms. Shivangi Bhasin & Ms. Pooja Kapur, Advs. for proposed LR Ms. Sonia Madan i.e. (b) (email ID: mrinalinisgupta@gmail.com and Mob. No. 9873367274) (through VC).

Mr. Nishant Gupta, Adv. for LR no.(c) Mr. Anish Madan and LR no.(d) Mr. Ashish Madan of plaintiff.

versus

DINESH MADAN & ORS

.....Defendant

Through: Mr. Shailendra Paul & Mr. Dhruv Madan, Advs. for D-1.

Mr. Aditya Chauhan, Advocate for D-2.

Mr. Ashish Mohan & Mr. Digvijay Singh, Advs. for D-3.

Mr. U.D. Bhargava, Adv. for D-9.

None for remaining defendants.

Ms. Asha Jain & Mr. Mukesh Jain, Advs. for intervenor namely Mr. Vipin Kumar Jain (applicant in IA No. 19855/2023) (email address: mukeshjainadvocate@gmail.com)

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)



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ORDER

03.05.2024

Proceedings are being conducted through hybrid mode.

I.A. No. 18920/2023 (by plaintiff for condonation of delay in filing rejoinder to the reply of D-1 qua IA No.17557/2019)

1. It is submitted that the captioned IA was already disposed off vide order dated 26.09.2023. Registry to take note of the same.

O.A. No. 89/2018 (by D-2 against order dated 24.7.2018)

2. Reply to captioned O.A. was already filed on behalf of plaintiff. Ld. Counsel for defendant no.2 submits that he does not wish to file rejoinder to the said reply.
3. Pleadings qua the O.A. are complete.

I.A. No. 16022/2016 (by plaintiff u/O XXXIX Rules 1 & 2 of CPC)

4. Separate replies to captioned IA were already filed on behalf of defendants no.8 and 9. No rejoinder to the said replies has been filed on behalf of the plaintiff.
5. An application for impleadment of LR's of plaintiff is pending for consideration.

I.A. No. 7261/2018 (by D-3 u/O VII Rule 11 CPC)

6. Reply to captioned IA was already filed by the plaintiff.
7. Ld. Counsel for defendant no.3 submits that he does not wish to file rejoinder to the said reply.
8. Pleadings qua the captioned IA are complete.

I.A. No. 8144/2019 (by plaintiff u/O XXXIX Rules 7 & 10 CPC for directions to defendants)

9. Reply to captioned IA was already filed on behalf of defendant no.2. Rejoinder to the said reply has been filed on behalf of the plaintiff.



10.Ld. Counsel for remaining defendants submit that they do not wish to file any reply to the captioned IA.

11.Pleadings qua the captioned IA are complete.

I.A. No. 17557/2019 (by plaintiff u/S 151 of CPC seeking permission to add left out properties of Late Sh.Jagdish Chander Madan alongwith documents to be partitioned among class-I legal heirs)

12.Reply to captioned IA was already filed on behalf of defendant no.1. Rejoinder to the said reply has been filed on behalf of the plaintiff and the same was taken on record in terms of order dated 26.09.2023 passed in IA No. 18920/2023.

13.Ld. Counsels for defendants no.2 and 3 submit that they are adopting reply to the captioned IA filed on behalf of defendant no.1.

14.Pleadings qua the captioned IA are complete.

I.A. No. 7990/2021 (by D-2 u/S 151 of CPC to place on record registered Will of D-2 in sealed cover).

15.Perusal of order dated 05.08.2022 would show that it was submitted on behalf of defendants no.1 & 3 that they have no objection if the captioned IA is allowed.

16.Reply to the captioned IA was already filed on behalf of the plaintiff.

17.Ld. Counsel for defendant no.2 submits that he does not wish to file rejoinder to the said reply of plaintiff.

18.Pleadings qua the captioned IA are complete.

I.A. No. 7309/2022 (by plaintiff u/O XI Rule 12 & 14 r/w Section 151 CPC for directions against D-1, 2 and 3 to discover documents) &

I.A. No. 7310/2022 (by plaintiff u/O XI Rule 1 CPC)

19.Perusal of record shows that directions have already been passed in IA No.7309/2022 vide order dated 21.09.2022



and pursuant to which, revised affidavits were already filed on behalf of defendants no.2 and 3.

20.Perusal of order dated 26.09.2023 would show that the captioned IAs were listed for arguments, however, on request of the parties, the same were placed before the Hon'ble Court for making further submissions.

I.A. No. 19475/2022 (by plaintiff u/S 151 of CPC against filing of affidavit dated 8.10.2022 by D-2 in compliance of order dated 21.9.2022 as well as revised affidavit dated 12.10.2022)

21.Ld. Counsel for non-applicants appearing today have submitted that they do not wish to file reply to the captioned IA.

22.Pleadings qua the captioned IA are complete.

I.A. No. 19855/2023 (by applicant Mr. Vipin Kumar Jain u/O I Rule 10 CPC for impleading him as party to the suit)

23.As per office noting, reply to the captioned IA filed on behalf of proposed plaintiff no.1(b) was returned under objection. Let appropriate steps be taken as per law.

24.Ld. Counsel for non-applicants appearing today accept notice of captioned IA and seeks time to file reply.

25.Non-applicants may file reply to captioned IA within two weeks and rejoinder thereto be filed before next date of hearing.

I.A. No. 705/2024 (by applicant Mrs. Veena Madan u/O XXII Rule 4 of CPC for impleadment of (a) Mrs. Veena Madan, (b) Mrs. Sonia Madan, (c) Mr. Anish Madan and (d) Mr. Ashish Madan as LR's of plaintiff)

26.Reply to captioned IA was filed on behalf of defendant no.1. No rejoinder to said reply has been filed on behalf of the applicant.



- 27.Ms. Shivangi Bhasin & Ms. Pooja Kapur, Advs. have submitted that earlier, they were appearing on behalf of applicant/proposed LR Smt.Veena Madan in the present matter, however, they are now not representing her and will take appropriate steps for their discharge as counsel for applicant. Let appropriate steps be taken as per law.
- 28.Heard. There is no appearance on behalf of applicant Mrs. Veena Madan. Let court notice be issued to the applicant Mrs. Veena Madan in person, without PF, for next date of hearing.
- 29.Remaining non-applicants may file reply to the captioned IA within two weeks and rejoinder thereto be filed before next date of hearing.

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- 30.It is submitted that the matter and captioned IAs are coming up for hearing before the Hon'ble Court on 28.05.2024.
- 31.An application for impleadment of LR of plaintiff is pending for consideration.
- 32.Perusal of record shows that no valuation report/note has been filed on behalf of parties in terms of para 8 of order dated 22.03.2024 passed by the Hon'ble Court.
- 33.Ld. Counsel for plaintiff has submitted that he is defendant no.1 in CS(OS) 626/2016 and valuation report has been filed in the said matter vide diary no.1338495 dated 01.05.2024. However, the same is not on record. In terms of order dated 22.03.2024 passed by the Hon'ble, the valuation report was to be filed at least two days before next date of hearing. Let appropriate steps be taken as per law for getting the same placed on record.



34.Re-notify the matter for further proceedings on **21st May, 2024.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MAY 3, 2024/v

Click here to check corrigendum, if any