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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 413/2017

ARVIND DUMRA & ANR

.....Plaintiffs

Through: Mr. Ashish Mohan & Ms.
Sagrika Tanwar, Advs.

versus

SMT. PREETI DUMRA & ANR

.....Defendants

Through: Mr. S. K. Narula & Ms.
Mobnalisa Mishra, Advs. for D-1
Mr. Dhanesh Relan & Mr.
Arindam Dey, Advs. for D-2

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

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30.09.2024

**I.A. 36251/2024 moved by the defendant no.1 praying
for the plaintiffs and the defendant no.2 to comply with
the Order dated 19.09.2017**

No reply to the captioned IA has been filed by plaintiff and defendant no.2 till date despite the order dated 13.08.2024 for which no plausible explanation is furnished by learned counsels for the plaintiff and defendant no.2. So, cost of Rs.3000/- each imposed upon the plaintiffs and defendant no.2 to be deposited with Delhi High Court Legal Services Committee.

Further, vide the said order, the Hon'ble Court has also directed that in case any amount is found to be due and payable by the plaintiffs and the defendant no.2 to the defendant no.1, the same must be paid by the said parties to the defendant no.1 on or before the next date of hearing.

It is stated by learned counsel for the defendant no.1 that despite the said order, only part payment has been made. In view of submission made, both plaintiff and defendant no.2 are directed to file clear Affidavit mentioning therein the total amount due and payable by



the plaintiff and defendant no.2 to the defendant no.1 and how much amount has been paid. Further, if any outstanding amount is payable by the plaintiff and defendant no.2 then why the same has not been paid till date to defendant no.1 despite the order dated 13.08.2024.

Re-notify the captioned IA on **19.11.2024**.

IA No.36053/2024 under Order I Rule 10 CPC moved by defendant no.1 for transposition of defendant no.2 as plaintiff

Issue notice. Learned respective counsels for the plaintiff & defendant no.2 accept notice of the captioned IA. At request, reply to the captioned IA be filed by plaintiff & defendant no.2 within three weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within three weeks thereafter with copy to the opposite side.

Re-notify the captioned IA for completion of pleadings on **13.12.2024**.

I.A. 6467/2024 (u/O XI Rules 12 & 14 r/w Section 151 of CPC, 1908) moved by defendant no.1

No reply to the captioned IA has been filed by the plaintiff till date. At this stage, it is stated by learned counsel for the plaintiff that he has filed reply to the captioned IA only yesterday. Learned counsel for the applicant/defendant no.1 submits that he has not received copy of reply filed by the plaintiff.

Vide order dated 22.07.2024, the last and final opportunity was granted to the plaintiff to file reply within two weeks. Despite the same reply has been filed only yesterday for which no plausible explanation is furnished by learned counsel for the plaintiff. So, cost of Rs.4000/- is imposed upon the plaintiff to be paid to the



applicant/defendant no.1. Now, one more last and final is granted to the plaintiff to take requisite steps within one week to bring reply on record as per law with copy to the opposite side. On receipt of copy of reply, rejoinder, if any, be filed by defendant no.1 within two weeks with copy to the opposite side.

Re-notify the captioned IA for completion of pleadings on the next date of hearing.

IA No. 11292/2017 under Section 151 CPC moved by the plaintiff for modification of order dated 19.9.2017

2. Pleadings qua captioned IA are already complete.

At request, re-notify the captioned IA on the next date of hearing.

IA No.11302/2017 under Section 151 CPC moved by the defendant no.1 for recall/review the order dated 19.09.2017

3. Pleadings qua captioned IA are already complete.

Re-notify the captioned IA on the next date of hearing.

CS(OS) 413/2017 & CC No.19/2024 moved by defendant no.1

The registry has numbered the Counter Claim.

It is jointly stated by learned counsels for plaintiff and defendant no.2 that in the present matter, no formal order is passed for issuance of summons/notice on the Counter Claim. Accordingly, notice be issued in the counter claim to the opposite sides.

At this stage, learned respective counsels for the plaintiff and defendant no.2 submit that they have not received copy of counter claim filed by defendant no.1 and also the counter claim filed by defendant no.1 is barred by limitation. The counter claimant/defendant no.1 is directed



to supply copy of counter claim to the opposite sides within one week. The right of the plaintiff and defendant no.2 to raise appropriate legal objections viz-à-vis Counter Claim is left open.

On receipt of copy of counter claim, Written Statement, if any, be filed by plaintiff and defendant no.2 within 30 days with copy to the opposite side. Replication, if any, to the same be filed by the counter claimant within 30 days thereafter with copy to the opposite side.

Re-notify the matter for completion of pleadings/further proceedings on same **13.12.2024**.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
SEPTEMBER 30, 2024/ab

Click here to check corrigendum, if any