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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 413/2017

ARVIND DUMRA & ANRPlaintiffs

Through: Ms. Sagika Tanwar, Adv.

versus

SMT. PREETI DUMRA & ANRDefendants

Through: Mr. S. K. Nanda, Adv. for D-1
Mr. Dhanesh Relan & Mr.
Arindam Dey, Advs. for D-2

CORAM:

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

ORDER

% **13.12.2024**

**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**

1. The plaintiff has not filed Affidavit in compliance of the order dated 30.09.2024 despite the last and final opportunity being granted to the plaintiff vide order dated 19.11.2024. The plaintiff has not even paid cost of Rs.4,000/- to the applicant/defendant no.1 as imposed vide order dated 19.11.2024. Learned counsel for the plaintiff seeks adjournment to take instructions with regard to not filing Affidavit. Learned counsel for the applicant/defendant no.1 submits that the plaintiff is intentionally not filing Affidavit and not complying the order dated 30.09.2024 as both plaintiff and defendant no.2 are acting in collusion with each other to bypass the judicial orders passed by this court. The same is denied by learned counsels for the plaintiff and defendant no.2

2. Heard and record perused. Vide order dated 19.11.2024, the last and final opportunity was granted to the plaintiff to file Affidavit in terms of order dated 30.09.2024. The Affidavit has not been filed by the



plaintiff till date for which no plausible explanation is furnished by learned counsel for the plaintiff. Even the cost of Rs.4000/- was also imposed upon the plaintiff vide order dated 19.11.2024 which has not been paid. So, no ground is made out to give further opportunity to the plaintiff to file the Affidavit. However, solely, in the interest of justice and subject to imposition of further cost of Rs.20,000/- upon the plaintiff, out of which Rs.10,000/- to be paid to the applicant/defendant no.1 and Rs.10,000/- to be deposited with Delhi High Court Legal Services Committee, one more last and final opportunity is granted to the plaintiff to file Affidavit in compliance of the order dated 30.09.2024 within two weeks with copy to the opposite side. The cost receipt be filed within four weeks.

3. The plaintiff is directed to pay total cost of Rs.14,000/- to learned counsel for the applicant/defendant no.1 within four weeks against due acknowledgement.

4. As per office note, the defendant no.2 has filed Affidavit in terms of the order dated 30.09.2024. Learned counsel for the applicant submits that he wants to file response to the said Affidavit filed by defendant no.2 as defendant no.2 has made wrong statement in the said Affidavit. The same is denied by learned counsel for the defendant no.2. At request, the same be filed by the applicant within two weeks with copy to the opposite side.

5. Learned counsel for the defendant no.2 undertakes to pay previous cost of Rs.4000/- to the applicant within two days. Let needful be done as stated.

6. Reply to the captioned IA alongwith proof of cost of



Rs.3000/- filed by defendant no.2 are now on record. At request, rejoinder, if any be filed by applicant within two weeks with copy to the opposite side.

7. The plaintiff has not filed reply to the captioned IA.

The plaintiff has also not deposited the previous cost of Rs.3000/- with Delhi High Court Legal Services Committee till date. So, further cost of Rs.500/- is imposed upon the plaintiff to be deposited with Delhi High Court Legal Services Committee. In the interest of justice, the last and final opportunity is granted to the plaintiff to file reply within two weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

9. The plaintiff is directed to deposit total cost of Rs.3,500/- with Delhi High Court Legal Services Committee within two weeks and also file its proof of cost with the registry as a last and final opportunity.

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

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

10. Reply to the captioned IA has not been filed by plaintiff and defendant no.2 till date despite the order dated 30.09.2024. In the interest of justice, no adverse order is being passed today and the last and final opportunity is granted to the plaintiff and defendant no.2 to file reply to the captioned IA 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 the next date of hearing.

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

11. Reply stated to have been filed by plaintiff no.2 is still lying under objections. It is stated by learned counsel for the plaintiff that she has filed an application seeking condonation of delay in filing reply yesterday vide dairy no.E-5954659/24. However, no such IA is on record. So, the plaintiff is directed to take requisite steps to bring the same on record. The applicant is at liberty to file Rejoinder to the reply of the plaintiff in captioned IA within two weeks with copy to the opposite side.

12. It is stated by learned counsel for the applicant that he has received copy of said condonation of delay application filed by the plaintiff and seeks sometime to file reply to the same. Reply, if any, to said condonation of delay be filed by the applicant within two weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter 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

13. 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

14. 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

15. It is stated by learned counsel for the defendant no.1/counter claimant that he has supplied copy of the counter claim to learned counsel for the plaintiff and defendant no.2 on 02.10.2024 pursuant to order dated 30.09.2024 through email. Learned respective counsels for the plaintiff and defendant no.2 submit that they will file Written Statement to the Counter Claim alongwith appropriate application seeking condonation of delay in filing the Written Statement. Needless to say, Written Statement filed by the plaintiff and defendant no.2 to the Counter Claim shall be made part of the record as per law.

Re-notify the matter for completion of pleadings/further proceedings on 20.03.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
DECEMBER 13, 2024/ab
[Click here to check corrigendum, if any](#)