

\$~33

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2288/2013**

M/S ASRA BUILDTECH PVT LTD Plaintiff
Through: **Mr.M.S.Ahluwalia, Advocate**

versus

PANKAJ CHAUDHARY & ORS Defendant
Through: **Mr.N.K.Kukreja, Advocate**
Mr. Pankaj Chaudhary in person.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% 24.04.2014

CS(OS) 2288/2013

The parties were referred to mediation by order dated 10.12.2013. The report of the mediator has been received.

As per the report the plaintiff and defendants No.1 and 2 have settled their disputes. The settlement agreement dated 10.1.2014 has been signed by the plaintiff and defendants No.1 and 2 and also by their counsels.

Learned counsel for the plaintiff submits that defendant No.3 was only a proforma party and in case the settlement is complied with, no relief will be claimed against defendant No.3. Learned counsel for defendant No.1 and 2 submits that there were certain oral terms over and above the settlement which were agreed to. However, he admits that the settlement agreement is signed by defendants No.1 and 2 and by the counsel.

The parties cannot be permitted to resile from the settlement agreed upon before the mediation and duly signed by the parties and their Advocate, more so, when payments in terms of settlement have been made to defendants No.1 and 2. Defendant No.1 had received a sum of Rs.2 crores by way of demand draft for himself and his wife. The said demand draft is stated to have been encashed. The defendants 1 and 2 cannot be permitted to resile from the settlement agreed upon in the mediation, which is admittedly signed by them and their advocate and further no oral evidence can be brought in to contradict the terms of the written agreement.

Since settlement between the parties has been recorded and signed by the parties, it is a settlement in terms of Order 23 Rule 3 CPC. The terms of settlement are contained in paragraphs a to z and aa to bb of the settlement agreement. I have examined the terms and find them to be lawful. The settlement agreement is marked as Ex.C-I. The suit is accordingly decreed in terms of Clauses a to z and aa and bb of the settlement agreement Ex.C-I. The Clauses a to z and aa and bb shall form part of the decree.

Learned counsel for the plaintiff submit that he does not press his relief against defendant No.3 and prays for withdrawal of the suit qua defendant No.3.

Suit is, accordingly, decreed in terms of the settlement in favour of plaintiff and against defendants No.1 and 2 and the suit qua defendant No.3 is dismissed as withdrawn.

The parties, i.e., plaintiff and defendants No.1 and 2 are bound by the terms of the settlement and the undertaking recorded in the said

settlement which are accepted.

Decree sheet be prepared accordingly.

CC(P) 49/2014

Learned counsel for the petitioner submits that respondent despite having agreed to the terms recorded in settlement agreement dated 10.1.2014 in the mediation is not complying with the terms of the settlement.

Issue notice. Mr.N.K.Kukreja, Advocate accepts notice on behalf of the respondent.

Let a copy of the petition be supplied to the counsel for the respondent within two days.

Let reply to the petition be filed within four weeks. Rejoinder, if any, be filed within four weeks thereafter.

List on 30th September, 2014.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~36

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1572/2013**

RADICO KHAITAN LTD Plaintiff
Through: Mr. N.K.Kaul, Sr. Advocate with Ms.
Ishani Chandra, Mr.Sagar Chandra,
Advocate

versus

M/S BRIMA SAGAR MAHARASHTRA DISTILLERIES LTD
..... Defendant
Through: Ms.Amita Sehgal Mathur and
Mr.Satinder Singh Mathur, Advocates

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **24.04.2014**

Arguments of the defendant concluded.

List on 15th May, 2014 for rejoinder on behalf the plaintiff.

APRIL 24, 2014/sv **SANJEEV SACHDEVA, J**

\$~17 to 20

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1054/2013**

M/S TARKESHWAR REALTORS PVT LTD Plaintiff
Through: **Mr.Harish Malhotra, Sr. Advocate**
with Mr.Arpan Behl, Advocate

versus

DHARAMBIR & ORS Defendants
Through: **Mr.N.K.Kaul, Sr. Advocate with**
Mr.P. Banerjee, Mr.Ajay Dahiya,
Ms.Shilpa, Ms.Liza M. Baruah and
Mr.Sarad , Advocates

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+ **CS(OS) 1136/2013**

M/S TARKESHWAR REALTORS PVT LTD Plaintiff
Through: **Mr.Harish Malhotra, Sr. Advocate**
with Mr.Arpan Behl, Advocate

versus

BHAGWANA & ORS Defendants
Through: **Mr.N.K.Kaul, Sr. Advocate with**
Mr.P. Banerjee, Mr.Ajay Dahiya,
Ms.Shilpa, Ms.Liza M. Baruah and
Mr.Sarad , Advocates

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+ **CS(OS) 1145/2013**

M/S NUMBER ONE EXPORTS PVT LTD Plaintiff
Through: **Mr.Harish Malhotra, Sr. Advocate**
with Mr.Arpan Behl, Advocate

versus

INDER SINGH & ORS Defendant
Through: Mr.N.K.Kaul, Sr. Advocate with
Mr.P. Banerjee, Mr.Ajay Dahiya,
Ms.Shilpa, Ms.Liza M. Baruah and
Mr.Sarad , Advocates

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+ CS(OS) 1146/2013

M/S NUMBER ONE EXPORTS PVT LTD Plaintiff
Through: Mr.Harish Malhotra, Sr. Advocate
with Mr.Arpan Behl, Advocate

versus

MAHAVIR SINGH & ORS Defendant
Through: Mr.N.K.Kaul, Sr. Advocate with
Mr.P. Banerjee, Mr.Ajay Dahiya,
Ms.Shilpa, Ms.Liza M. Baruah and
Mr.Sarad , Advocates

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **24.04.2014**

Learned senior counsel for the plaintiff submits that replication has been filed to the written statement filed by defendants No.1, 5 and 6. However, the same is not on record.

Let counsel for the plaintiff check up with the Registry and have the same placed on record.

A copy of the replication has been supplied to the counsel for the defendant today in Court.

List for hearing on 14th July, 2014.

It is clarified that the matter shall be heard on the next date of hearing.

Interim order to continue.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~21

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2383/2013**

SURESH CHAND GARG Plaintiff
Through: Ms.Hetal Vora, Advocate

versus

RAJENDER & ANR Defendants
Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **24.04.2014**

Learned counsel for the plaintiff submits that an application seeking amendment of the plaint has been filed. However, the same is not on record.

List on 19th September, 2014 for directions.

APRIL 24, 2014/sv **SANJEEV SACHDEVA, J**

\$~24

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 842/2014**

A N SHARMA Plaintiff

Through: Plaintiff in person

versus

CHAIRMAN (HONBLE DISTRICT & SESSIONS JUDGE) & ORS.

..... Defendants

Through: Mr.Katik Jindal, Adv for D-1.

Mr.Sudhir Nandrajog, Sr. Advocate
with Mr.Tarang Srivastava, Advocate
for D-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **24.04.2014**

The present suit has been filed by the plaintiff, who is a practicing Advocate, challenging the allotment of lawyers chambers at Patiala House Court Complex. Summons in the suit were issued.

IA No.7418/2014 (filed on behalf of defendant No.2 for constitution of the Committee to investigate, probe and scrutinize the allotment).

Learned senior counsel appearing for defendant No.2, New Delhi Bar Association, submits that post the filing of the present petition the elections were held and a new Executive Committee has taken over. Learned senior counsel appearing for defendant No.2 submits that as per the records available with defendant No.2, he could not decipher a method or formulae which was used for allotment of the chambers. Learned senior counsel for defendant No.2 further submits that the method/formulae adopted in the Saket District

Court Complex for allotment of chambers, should have been adopted for the purposes of allotment of the present chambers.

Learned senior counsel further submits that the allotment letters have been issued under the signatures of the then President and the Secretary of the executive committee.

Issue notice to the erstwhile President, Mr.Rajiv Jai, Advocate and the Secretary, Mr.Jagdeep Vats, Advocate of New Delhi Bar Association to place on record the criteria adopted for the purposes of allotment of the chambers.

Defendant No.1 is directed to place on record the rules for allotment of the chambers.

The New Delhi Bar Association is directed to place on record the seniority list of the Members of the Association. The seniority list shall also indicate whether the said members have a chamber in any other District Court Complex.

Learned senior counsel for defendant No.2 submits that defendant No.2 has already issued a circular to the allottees of the impugned chambers that a committee is being constituted to examine the allotment and no further renovation or change of status should take place in the said chambers. The circular has been placed on record along with the present application

List for directions on 15th May, 2014.

IA No.7419/2014 (u/O 1 rule 10 CPC on behalf Mr.Sanjay Kumar, Advocate)

The applicant also espouse the same grievance as the plaintiff.

Since the grievance of the applicant is already being examined by this Court, the applicant does not wish to press the application at this stage.

The application is dismissed as withdrawn with liberty to approach this Court if the need so arises.

A copy of order be given dasti under the signatures of the Court Master.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~23

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2632/2013**

SARDAR GURPREET SINGH & OTHERS Plaintiffs
Through: Mr.Mohit Chaudhary and Ms.Pragya
Singh, Advocate

versus

RAJKUMARI AMRIT KAUR & OTHERS Defendants
Through: Mr.Amir Singh Pasrich, Ms.Gurveen
H. Singh and Ms.Vineeta Chhatwal,
Advocates for D-1
Mr.Dhruv Mehta, Sr. Advocate with
Mr.Mohit Abraham, Mr.Arvind
Kumar Ray, Advocates for D-2,3,3A
to 3C, 3F and 3H
Ms.Jagriti Ahuja, Adv for D-4

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **24.04.2014**

**IA No.5944/2014 (under Section 151 CPC for condonation of
delay of 56 days in filing the reply of IA No.20985/2013)**

**IA No.5945/2014 (under Order 8 Rule 1 CPC for condonation of
delay of 56 days in filing written statement on behalf of
defendants No.2, 3, 3A to 3C, 3F and 3H)**

The defendants by the present application seek condonation of
delay in filing the reply and the written statement.

Learned counsel for the plaintiff submits that in view of the
expeditious disposal of the suit, plaintiff does not oppose the
condonation of delay in filing reply and the written statement.

Accordingly the delay is condoned and the reply and written

statement are taken on record.

Let plaintiff file rejoinder/replication to the said reply and written statement within four weeks.

CS(OS) 2632/2013

Learned counsel for the plaintiff submits that documents filed by the defendant have not been received by him. A copy of the documents shall be supplied during the course of the day.

Let plaintiff file replication to the written statement filed by defendant No.1 within four weeks.

It is directed that in case parties file any pleadings/documents, a copy of the same shall be supplied to the all other parties irrespective of concerned parties.

Learned counsel for defendant No.4 enters appearance and submits that she has not received a copy of the paper book.

Let a copy of complete paper book be supplied to the counsel for defendant No.4 during the course of the day.

Learned counsel for the plaintiff submits that defendant No.4 is only a proforma party and as per the information of the plaintiff, there is a locker in their bank. Learned counsel for the plaintiff submits that as of now he is not in a position to state either the number of the locker, name of the branch where the locker is situated, or the holder in whose name the locker has been issued.

Learned counsel for the plaintiff submits that such details shall be filed within a period of one week from today.

On filing of such details, defendant No.4 shall file a report indicating whether such locker is maintained in their bank and if so

details of the authorised signatories to the locker shall be filed.
Defendant No.4, as of now is exempted from filing written statement.

List for hearing on 30th July, 2014.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2591/2013**

TARUN BATRA & ANR Plaintiffs
Through: Ms.Rajni Jain, Ms.Shriya Maini and
Mr.Vidur Mohan, Advocates

versus

ROOPA SOOD Defendant
Through: Ms.Pinky Anand, Sr. Advocate with
Mr.Attin Shamkar Rastogi, Advocate

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **24.04.2014**

The report of the Court Commissioner is not on record.

Learned senior counsel for the defendant submits that the inspection was carried out about three weeks ago.

Issue reminder to the Court Commissioner to file report within two weeks.

On filing of the report, in case, a request is made by the parties for supplying a copy of the report, the Registry shall supply a copy of the report to the parties.

List on 19th May, 2014.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~34

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1230/2010**

HINDUSTAN UNILEVER LIMITED Plaintiff
Through: Ms.Divya Jain Bajaj, Advocate

versus

MOHIT BHATIA & ORS Defendants
Through: Mr.Amit Jain, Advocate

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **24.04.2014**

Learned counsel for the parties submit that proposals have been
exchanged and shortly a joint application shall be filed.

Renotify on 5th August, 2014 for directions.

APRIL 24, 2014/sv **SANJEEV SACHDEVA, J**

\$~30

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. 748/2010**

M/S ARORA BUILDERS Petitioner
Through: Mr.Abhishek Tyagi, Advocate
(Proxy) with Proprietor of petitioner

versus

DELHI JAL BOARD & ANR Respondents
Through: Mr.Himanshu Upadhyay, Advocate

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **24.04.2014**

Mr.Anil Arora, Proprietor of M/s Arora Builders is present in Court.

Learned counsel for the respondent submits that the full and final amount has been paid. Petitioner confirms the fact that he has received the amount in full and final settlement of all his claims.

Petitioner submits that there are no claims now due against the respondent and he does not press his objections under Section 34 against the award dated 9.8.2010. He further submits that he has accepted the award dated 9.8.2010 and now no claim is due in respect of the said award from the respondents.

Learned counsel for the respondent also submits that the award has been accepted by the respondent and now nothing is due from the petitioner.

The petitioner, accordingly, prays for withdrawal of the present petition.

The petition is, accordingly, dismissed as withdrawn.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **EX.P. 315/2011**

GURVINDER SINGH DHINGRA Decree Holder
Through: Mr.Pulkit Agarwal, Advocate

versus

K.K. BINDAL Judgement Debtor
Through: Mr.Mukesh Kumar Verma, Advocate

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **24.04.2014**

Learned counsel for the judgment debtor submits that approximately a sum of Rs.13,00,000/- has been paid. The judgment debtor is making endeavour to make further payments. He assures that some more payment will be made by the next date of hearing.

List on 23rd July, 2014.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~25

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **EX.P. 305/2008**

SHRI JOGINDER SINGH MEHTA Decree Holder
Through: **Mr.Rajiv Tyagi, Advocate**

versus

SHRI HARDAYAL SINGH MEHTA AND OTHERS
..... Judgement Debtors
Through: **M.G.L.Rawal, Sr. Advocate with**
Mr.Rajesh Rawal, Advocate
Mr.B.B.Gupta, Advocate for JD-3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **24.04.2014**

Learned counsel for the parties submit that the negotiations
between the parties could not be successful.

List for hearing on 26th August, 2014.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **EX.P. 64/2009**

SHRI HARDAYAL SINGH MEHTA Decree Holder
Through: Mr.G.L.Rawal, Sr.Advocate with
Mr.Rajesh Rawal, Advocate

versus

SH. JOGINDER SINGH MEHTA & ORS Judgement Debtors
Through: Mr.Rajiv Tyagi, Adv for JD-1.
Mr.B.B.Gupta, Adv for JD-3

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **24.04.2014**

Learned counsel for the parties submit that the negotiations
between the parties could not be successful.

List for hearing on 26th August, 2014.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **EX.P. 235/2010**

GURBAX SINGH MEHTA Decree Holder
Through: **Mr.B.B.Gupta, Advocate**

versus

JOGINDER SINGH & OTHERS Judgement Debtors
Through: **Mr.Rajiv Tyagi, Advocate for JD-1**

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **24.04.2014**

Learned counsel for the parties submit that the negotiations between the parties could not be successful.

List for hearing on 26th August, 2014.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~28

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **EX.P. 41/2014**

RAJAN DHINGRA Decree Holder
Through: Mr.Sachin Sharma, Advocate

versus

NARENDRA SINGH NARULA AND ANR..... Judgement Debtors
Through: Dr.Sarabjit Sharma, Ms.Kusum
Sanehi and Ms.Swati Yadav,
Advocates for JD- 1.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **24.04.2014**

Ex.Appl.(OS) 293/2014 (filed by defendant No.1)

Issue notice to the decree holder. Mr.Sachin Sharma, Advocate accepts notice on behalf of the decree holder and submits that a copy of the application has not been received by him.

Let a copy of the application be supplied to the counsel for the decree holder within two days.

Reply to the application be filed within four weeks. Rejoinder, if any, be filed within four weeks thereafter.

List on 30th September, 2014.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~29

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **I.P.A. 68/2013**

MASTER ABHINAV & ANR THR ANITA SINGH Petitioner
Through: None.

versus

KUNWAR PAL SINGH Respondent
Through: Mr.Ashok Chhikara, Advocate

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **24.04.2014**

No reply to the IPA has been filed. Learned counsel for the respondent submits that written statement has been filed vide diary No.71805 on 23.4.2014. However, the same is not record. Let counsel for the respondent check up with Registry and have the same placed on record.

List before the Joint Registrar on 21st August, 2014 to conduct an inquiry of the status of the plaintiff.

APRIL 24, 2014/sv

SANJEEV SACHDEVA, J

\$~31

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. 50/2014**

M/S TOPLINE BUILD TECH PVT. LTD. Petitioner
Through: Mr.Ravi Gupta, Sr. Advocate with
Mr.Rakesh Makhija, Advocate

versus

M/S RAHEJA DEVELOPERS PVT. LTD. & ANR..... Respondents
Through: Mr.Sukumar Pattjoshi, Sr. Advocate
with Mr. Shalabh Singhal, Advocate
for R-1.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **24.04.2014**

In view of the part heard, it is not possible to take up the matter
for hearing today.

List on 15th May, 2014.

Interim order to continue.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~15

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 246/2013**

MARICO LIMITED

..... Plaintiff

Through: Ms.Anuradha Salhotra and Mr.Sumit
Wadhwa, Advocates

versus

ADANI WILMAR LTD

..... Defendant

Through: Mr.Harish Pandey, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

24.04.2014

On the pleadings of the parties, following issues are framed:

1. Whether the advertisement of the Defendant denigrates disparages the brand SAFFOLA of the Plaintiff? OPP
2. Whether the claims made in the impugned advertisement are true and correct based on scientific research and facts? OPD
3. Whether the impugned advertisement constitutes an attack on the goodwill and reputation of SAFFOLA brand of the plaintiff? OPP
4. Whether the plaintiff is entitled to a decree of injunction? OPP
5. Whether the plaintiff is entitled to any damages. If so, to what extent? OPP

6. Reliefs.

Learned counsel for the parties submits that in view of the expeditious disposal of the suit a Court Commissioner may be appointed for the purposes of recording of evidence of the parties. Accordingly, Mr.D.S.Bawa (Retd. ADJ) (Mobile No.9999564413) is appointed as a court commissioner to record the evidence of the parties. The fee of the court commissioner is tentatively fixed at Rs.1,00,000/- to be shared equally between the parties. Learned counsel for the plaintiff undertakes to inform the Court Commissioner of the present order.

Parties shall file their list of witnesses within two weeks. Plaintiff shall further file their affidavits by way of evidence of its witnesses within four weeks. The parties shall appear before the court Commissioner on 9th May, 2014 at 2 p.m. for the purposes of fixing the schedule for recording of evidence.

List before the Joint Registrar on 30.9.2014 for monitoring the recording of evidence and to await the report of the Court Commissioner.

The Joint Registrar shall place the matter before Court after the report of the Court Commissioner is received.

A copy of order be given dasti to the parties.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 319/2013**

MARICO LIMITED

..... Plaintiff

Through: Ms.Anuradha Salhotra and Mr.Sumit
Wadhwa, Advocates

versus

ADANI WILMAR LTD

..... Defendant

Through: Mr.Harish Pandey, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

24.04.2014

On the pleadings of the parties, following issues are framed:

1. Whether the advertisement of the Defendant denigrates disparages the brand SAFFOLA of the Plaintiff? OPP
2. Whether the claims made in the impugned advertisement are true and correct based on scientific research and facts? OPD
3. Whether the impugned advertisement constitutes an attack on the goodwill and reputation of SAFFOLA brand of the plaintiff? OPP
4. Whether the plaintiff is entitled to a decree of injunction? OPP
5. Whether the plaintiff is entitled to any damages. If so, to what extent? OPP

6. Reliefs.

Learned counsel for the parties submits that in view of the expeditious disposal of the suit a Court Commissioner may be appointed for the purposes of recording of evidence of the parties. Accordingly, Mr.D.S.Bawa (Retd. ADJ) (Mobile No.9999564413) is appointed as a court commissioner to record the evidence of the parties. The fee of the court commissioner is tentatively fixed at Rs.1,00,000/- to be shared equally between the parties. Learned counsel for the plaintiff undertakes to inform the Court Commissioner of the present order.

Parties shall file their list of witnesses within two weeks. Plaintiff shall further file their affidavits by way of evidence of its witnesses within four weeks. The parties shall appear before the court Commissioner on 9th May, 2014 at 2 p.m. for the purposes of fixing the schedule for recording of evidence.

List before the Joint Registrar on 30.9.2014 for monitoring the recording of evidence and to await the report of the Court Commissioner.

The Joint Registrar shall place the matter before Court after the report of the Court Commissioner is received.

A copy of order be given dasti to the parties.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

\$~14

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

+ **CS(OS) 2778/2012**

KAARUN ARORA

..... Plaintiff

Through: Mr.Tanmaya Mehta, Advocate
versus

V.K. RASTOGI & ORS

..... Defendants

Through: Mr.Mirza Amir Baig, Adv for D-1
and 2
Mr.Pramod B. Agarwala, Adv for D-4.
Ms.Purnima Maheshwari, Adv for D-5.
Ms.Ritika Nagpal, Adv for Applicants
in IA No.20114-20117/2013.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

24.04.2014

IA Nos.21867/2012 (u/ O 7 rule 14 CPC on behalf of the Plaintiff)

IA No.4631/2013 (u/ O 7 rule 14 CPC on behalf the plaintiff)

The plaintiff by these applications seeks leave to place on record certain additional documents. The admission/denial is yet to take place.

Learned counsel for the defendants submits that though the documents are being produced late and no explanation has come for the late filing of the documents, the defendant would not oppose the documents being taken on record subject to them being proved in accordance with law.

In view of the above, the applications are allowed and the documents filed by the plaintiff are taken on record.

It is clarified that I am expressing no opinion on the

admissibility and the mode of proof of the said documents at this stage.

The application stands disposed of.

IA No.7454/2014 (U/O 7 rule 11 CPC of the defendant)

Issue notice. Mr.Tanmaya Mehta, Advocate accepts notice on behalf of the plaintiff.

Reply to the application be filed within four weeks. Rejoinder, if any, be filed within four weeks thereafter.

CS(OS) 2778/2012

Learned counsel for the defendant No.5 submits that the file of defendant No.5 is not traceable on account of change of the panel counsel.

Learned counsel for the plaintiff undertakes to supply a copy of the entire paper book to the counsel for defendant No.5 within one week.

Learned counsel for the defendant No.5 submits that defendant No.5 is only a proforma party, however, since the dispute pertains to certain Khatauni and Revenue record, defendant No.5 will file a status report in respect of Khatauni and revenue record filed by the plaintiff.

At this stage, defendant No.5 is exempted from filing written statement.

List on 23rd September, 2014 for consideration of all pending applications.

SANJEEV SACHDEVA, J

APRIL 24, 2014/sv

