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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1065/2014**
NARAYAN GOYAL & ANR Plaintiff
Through: Ms.Shobhana Takiar, Adv.
versus
RAJESH GUPTA & ANR Defendant
Through: Mr.Virendra Singh, Adv.
CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
ORDER
% **13.01.2016**

OA Nos. 385/2015 and 386/2015 (filed by the plaintiff)

These two appeals have been filed by the plaintiff under Chapter-II, Rule 4 of the Delhi High Court Rules read with Section 151 CPC, challenging the order dated April 21, 2015 of the learned Joint Registrar, whereby he has closed the right of the appellant-plaintiff to file replication to the written statement filed by the defendants, as well as the written statement to the counter claim filed by the defendants.

I note, the grounds of appeal are common in both the original appeals. Learned counsel for the defendants would contest the appeals by stating, the reasons given are not justifiable for this Court to allow the same.

Noting the contents of the appeals, I note, the grounds taken are bonafide and reasonable inasmuch as, it is the case of the appellants that the court clerk of the counsel had noted, in the cause list, the Court as 06 instead

of 04, therefore both the appellant and the counsel could not make themselves present before the learned Joint Registrar when the order was passed on April 21, 2015. It is also noted, that an averment has been made that the appellants being illiterate, the comments for further pleadings could only be prepared when their daughter had come to their house, which delayed the preparation and filing of the replication and the written statement only in the month of August 4, 2015 along with an application under Section 148 CPC. Accordingly, the appeals are allowed, subject to the plaintiffs paying a cost of Rs. 5000/- each in both the appeals (Rs.10,000/- in total) to the defendants i.e. Rs. 2500/- to each defendant, in both the appeals.

The replication in suit is directed to be taken on record, so also the written statement to the counter claim No. 64/2014. The defendants shall be at liberty to file replication to the written statement filed in CC 64/2014 within a period of four weeks.

The original appeals are disposed of.

CS (OS) 386/2015 & IAs 6851/2014, 15915/2015, CC 64/2014

The present suit is for declaration with respect to the certain documents in relation to a property situated at Shahdara, and is valued at Rs. 20,05,000/-.

In view of Notification No. 27187/DHC/Org1. dated 24th November, 2015 & in exercise of power conferred by Section 4 of the Delhi High Court (Amendment) Act, 2015, (Act 23 of 2015), which came into force with effect from 26th October, 2015 vide Notification No. F.No.L-19015/04/2012-Jus dated 26th October, 2015 issued by the Government of India, Ministry of Law, Justice & Company Affairs published in Gazette of India Extraordinary, Part II, Section 3 Sub-Section (ii), the present matter is liable to be transferred to the learned District & Sessions Judge (Shahdara), Karkardooma Courts. Accordingly, the parties to appear before the learned District & Sessions Judge (Shahdara), Karkardooma Courts, on March 28, 2016.

V. KAMESWAR RAO, J

JANUARY 13, 2016/akb