

\$~10.

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

+ **CS(OS) 2055/2015**

SANGEETA SAINI & OTHERS Plaintiffs

Through: Mr. Sajan K Singh, Advocate

versus

RADHEY SHYAM & OTHERS Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

27.01.2016

%

OA No.476/2015

This appeal has been preferred to assail the order dated 20.11.2015, whereby the plaintiffs right to file the replication was closed on account of the same being not filed. Learned counsel for the plaintiff states that, no doubt, there was some delay in filing the replication, but the same was filed on the same day in the registry vide diary no.604480.

A perusal of the application reveals that the same was returned under office objections as the right has been closed by the impugned order.

In my view, the plaintiff could have been permitted to file the same subject to terms. Accordingly, the order dated 20.11.2015 insofar as the right of the plaintiff to file replication was closed, is set aside. The same is permitted to be taken on record subject to payment of costs of Rs.7500/- to the defendant. Let the costs be paid within two weeks. Replication be filed

after removing the office objections.

Application stands disposed of.

CS(OS) 2055/2015

In view of the notification No.2718/DHC/Orgl. dated 25.11.2015, issued under Section 4 of the Delhi High Court (Amendment) Act, 2015 (Act 23 of 2015), at the request of the counsels for the parties, the present suit is transferred to the Court of the District Judge (Central), Tis Hazari Courts for further proceedings before the competent court on 05.05.2016.

It is made clear that as both sides are duly represented today, no fresh notice for appearance shall be issued and the parties shall ensure their presence before the concerned Court on the aforesaid date.

VIPIN SANGHI, J

JANUARY 27, 2016

sr