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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 181/2004 & IA No.9535/2016 (of plaintiffs u/S 151 & 152 CPC)

VINITA NATH & ANR. Plaintiffs

Through: Mr. A.S. Chandhiok, Sr. Adv. with Ms. Amita Sehgal Mathur, Ms. Sweta Kakkad, Ms. Monika Tyagi and Ms. Aditi Pandey, Advs.

Versus

KAILASH NATH & ORS. Defendants

Through: Mr. R. Krishnaamorthi and Mr. A.K. Jha, Advs.
Mr. Praveen Aggarwal, Adv. for Mr. Karan Nath.

AND

+ CS(OS) 1257/2003 & IA No.9454/2016 (of plaintiffs u/S 151 & 152 CPC)
& CC No.1873/2003

MINAKSHI NATH & ORS Plaintiffs

Through: Mr. A.S. Chandhiok, Sr. Adv. with Ms. Amita Sehgal Mathur, Ms. Sweta Kakkad, Ms. Monika Tyagi and Ms. Aditi Pandey, Advs.

Versus

KAILASH NATH Defendant

Through: Mr. R. Krishnaamorthi and Mr. A.K. Jha, Advs.
Mr. Praveen Aggarwal, Adv. for Mr. Karan Nath.

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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27.03.2017

IA No.9535/2016 in CS(OS) No.181/2004 & IA No.9454/2016 in CS(OS) No.1257/2003 & Counterclaim No.1873/2003 (both of the plaintiffs u/S 151 & 152 CPC).

1. This order is in continuation of the order dated 8th August, 2016.
2. The senior counsel for the applicants / plaintiffs, the counsel for the defendant Kailash Nath and the counsel for Karan Nath have been heard at length.

3. Though two interpretations of the order dated 7th November, 2007 disposing of the CS(OS) No.181/2004 and CS(OS) No.1257/2003 are canvassed but to avoid any further ambiguity, there is no need to record the said versions, as today we do not have a factual controversy in which it has to be decided as to which of the versions is correct.
4. The grievance of the senior counsel for the applicants / plaintiffs is that the decree prepared by the Registry does not record that it is in pursuance to the order dated 7th November, 2007.
5. The order dated 7th November, 2007 at its end states “decree sheet be prepared”. It is thus not as if the said order does not contemplate preparation of a decree.
6. Section 33 of the CPC states that the Court, after the case has been heard, shall pronounce judgment and on such judgment, a decree shall follow. Order XX Rule 6 of the CPC states that the decree shall agree with the judgment.
7. The decree drawn up in pursuance to order dated 7th November, 2007 indeed does not refer to the order dated 7th November, 2007.
8. It is deemed appropriate to dispose of these applications by observing that the decree dated 7th November, 2007 in CS(OS) No.1257/2003, Counterclaim No.1873/2003 in CS(OS) No.1257/2003 and CS(OS) No.181/2004 be read as following the order dated 7th November, 2007 and in agreement with the order dated 7th November, 2007.

RAJIV SAHAI ENDLAW, J

MARCH 27, 2017

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