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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 192/2018 & IA No.5714/2018 (u/O XXXIX R-1&2 CPC)**
AMITA BHUCHAR & ORS Plaintiffs
Through: Ms. Prerana, Adv.
Versus
USHA KESSAR & ANR Defendants
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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30.05.2018

IA No.7680/2018 (of the plaintiffs under Order VII Rule 10 CPC)

1. The plaintiffs / applicants having filed this suit in the wrong Court and upon facing rejection of the plaint, having withdrawn the same with liberty to move the appropriate Court, now seek return of the plaint.
2. When the plaintiffs / applicants themselves have filed the plaint in the wrong Court and which is withdrawn to save rejection, it is not open to the plaintiffs / applicants to invoke Order VII Rule 10 of the CPC.
3. The counsel for the plaintiffs / applicants then states that this application has been filed because the original documents are not being returned.
4. A perusal of the Part-III file does not show any original documents having been filed. The counsel for the plaintiffs / applicants then refers to page no.21 of the Part-III file. Though the same is titled 'No Objection Certificate' and is in the form of an 'Affidavit' but without signatures of the deponent thereon. In fact, it is surprising as to how the same bears the signature of the Notary Public and has been attested by the Notary Public.

5. Be that as it may, even if the plaintiffs / applicants desire return of the said document, the plaintiffs / applicants have to obtain certified copy thereof and to make application for return of the original documents in view of the suit having been withdrawn and neither of which has been done.
6. The plaintiffs / applicants would be entitled to return of original documents, if any, upon making the requisite application therefor and in accordance with the Rules.
7. The application is dismissed.

RAJIV SAHAI ENDLAW, J.

MAY 30, 2018

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