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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CS(OS) 249/2017 & IA No.6635/2017 (u/O XXXIX R-1&2 CPC)
ARVIND AGGARWAL Plaintiff
Through: Mr. Sumit Chander & Mr. Jatin Chaudhary, Advs.
Versus
CHANDAN AGGARWAL & ANR Defendants
Through: Mr. Jagjit Singh, Mr. Narayandev Parashar & Mr. Preet Singh, Advs.
AND
+ CS(OS) 25/2018 & IA No.1023/2018 (u/O XXXIX R-1&2 CPC)
CHANDAN AGGARWAL & ANR Plaintiffs
Through: Mr. Jagjit Singh, Mr. Narayandev Parashar & Mr. Preet Singh, Advs.
Versus
ARVIND AGGARWAL Defendant
Through: Mr. Sumit Chander & Mr. Jatin Chaudhary, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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19.03.2018

1. This order is in continuation of order dated 22nd January, 2018 in CS(OS) No.25/2018.
2. The counsel for the plaintiffs in CS(OS) No.25/2018 withdraws CS(OS) No.25/2018 with liberty to amend the written statement in CS(OS) No.249/2017 to make the counter-claim therein as made in CS(OS) No.25/2018.
3. The counsel for the plaintiff in CS(OS) 249/2017 has no objection.
4. Thus CS(OS) No.25/2018 is dismissed as withdrawn.

5. The filing of an application by the defendants in CS(OS) No.249/2017 for amendment of their written statement to make a counter-claim therein is waived and the defendants in CS(OS) No.249/2017 are permitted to file their amended written statement only to include the claim as made in CS(OS) No.25/2018 within two weeks of today with advance copy to the counsel for the plaintiff in CS(OS) No.249/2017.
6. The replication / written statement to the counter claim if any be made within further four weeks thereafter.
7. The parties to file affidavits of admission / denial of each others' documents before the next date of hearing.
8. List CS(OS) No.249/2017 for framing of issues if any and for consideration of pending applications on 5th September, 2018.
9. It is clarified that the defendants in CS(OS) No.249/2017 in the amendment shall also be entitled to make a claim for partition of any other properties claimed to be joint.

RAJIV SAHAI ENDLAW, J

MARCH 19, 2018

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