

\$~3 & 4

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

%

Judgment delivered on: 07.12.2020

+ CM(M) 544/2020

VINAY KUMAR

..... Petitioner

versus

SUDHIR KUMAR @S BALYAN

..... Respondent

+ CM(M) 547/2020

VINAY KUMAR G B

..... Petitioner

versus

SUDHIR KUMAR @S BALYAN

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Ms. Kruttika Vijay, Ms. Abhilasha Nautiyal and Ms. Kaveri Jain, Advocates.

For the Respondent: Mr. Sachin Dutta, Sr. Advocate with Mr. Amit Mehta and Mr. Jayant Kumar, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.27898/2020 (exemption) in CM(M) 544/2020

CM APPL.27966/2020 (exemption) in CM(M) 547/2020

Exemptions are allowed subject to all just exceptions.

CM(M) 544/2020 & CM APPL.27897/2020 (stay) & CM(M)

Signature Not Verified

Digitally Signed By: KUNAL
MAGGU
Signing Date: 07.12.2020 20:48:01
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

CM(M) 544/2020 &
CM(M) 547/2020

Page 1 of 3

547/2020 & CM APPL.27965/2020 (stay)

1. The hearing was conducted through video conferencing.
2. Petitioner in CM(M) 544/2020 is aggrieved by order dated 08.10.2020, whereby, application of the petitioner to place on record certain documents was partly disallowed. Petitioner in CM(M) 547/2020 impugns order dated 27.10.2020, whereby, application of the petitioner under Order 6 Rule 17 CPC was adjourned and it was directed that the arguments on the application under Order 39 Rules 1 and 2 CPC filed by the respondent shall be heard first.
3. Learned counsel for the petitioner contends that the Trial Court should not have adjourned the amendment application and proceed further with the arguments on the stay application filed by the respondent.
4. Learned senior counsel for the respondent submits that applications have been filed by the petitioner to delay the proceedings and the amendment sought would not affect the case of the respondent/plaintiff.
5. After some arguments, learned counsel for the parties for the purposes of expeditious disposal of the Suit have agreed that the petitions be disposed of in the following terms:-

- (i) The impugned order dated 08.10.2020 is set aside to the extent that it rejects the application of the petitioner Order 11

Rule 1 (10) CPC partly and disallows the taking on record of some documents.

(ii) Application under Order 11 Rule 1 (10) CPC is allowed and all the documents sought to be placed on record by the petitioner are taken on record of the Trial Court.

(iii) Application under Order 6 Rule 17 CPC, seeking amendment of the Written Statement is allowed. The amended written statement annexed to the application is taken on record of the Trial Court.

(iv) Respondent/plaintiff shall file replication to the written statement within two weeks from today.

(v) The Trial Court shall proceed further with the arguments on the application under Order 39 Rules 1 and 2 filed by the respondent and endeavour to dispose of the same within a period of one month from today.

6. Petitions are allowed in the above terms.

7. Copy of the judgment be uploaded on the High Court website and be also forwarded to counsels through email.

DECEMBER 07, 2020
st

SANJEEV SACHDEVA, J