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

+ CS(OS) 99/2020, IA No.3051/2020(u/O.XXXIX R.1&2 CPC),
IA No.3052/2020(exemption), IA No.3053/2020(for condonation of 9
days delay in refiling) & IA No.3054/2020(u/S.149 CPC)
PREM BAJAJ & ANR. Plaintiffs

Through: Mr. Aman Arora, Adv.
versus

ALKA BAJAJ & ORS. Defendants
Through: Mr. Lalit Gupta with Mr. Siddharth
Arora, Advs. for D-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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05.03.2020

1. Mr. Aman Arora, Advocate for the plaintiffs appearing today in response to the queries made yesterday and recorded in yesterday's order, states that the plaintiffs herein, in the partition suit instituted by the defendants being CS(OS) No.137/2017, had not taken the pleas taking which this suit has been filed, but had subsequently filed an application for amendment of the written statement in that suit but which application for amendment was dismissed. He however states that he does not know on what grounds the application for amendment of the written statement filed by the plaintiffs, as defendants in CS(OS) No.137/2017, was dismissed.
2. No such plea, which is vital to the maintainability of the present suit, has been taken in the plaint in this suit.
3. Adjournment is now sought to verify.

4. Once it is found that the suit as filed is not maintainable, such adjournments to fully bake a half-baked suit filed, cannot be permitted.

5. The plaint as filed is rejected. The plaintiffs, along with the fresh suit if any filed, shall file copies of plaint, yesterday's and today's order and also plead the same in the body of plaint in the fresh suit.

RAJIV SAHAI ENDLAW, J

MARCH 05, 2020

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