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

+ CM(M) 94/2023, CM APPL. 3126/2023--stay

SANDEEP JAIN

..... Petitioner

Through: Mr. Sunil Kumar Kalra, Adv.

versus

BRAHAM PRAKSAH

..... Respondent

Through: Mr. Satya Narayan, Adv.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

19.02.2024

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1. The present petition has been filed impugning the order dated 27.04.2022 vide which the learned Trial Court had dismissed the two applications moved on behalf of the petitioner, one under Order XIII Rule 2 Code of Civil Procedure, 1908 ("CPC") for filing additional documents and another application under Order VI Rule 17 CPC read with Section 151 CPC seeking amendment of the plaint.

2. Learned counsel for the petitioner submits that only one opportunity be granted to the petitioner to address arguments on both the applications so that the same can be disposed of on the merits as the amendment sought as well as additional documents be placed on record are in respect of the subsequent events that have occurred since after filing of the suit.

3. Learned counsel on behalf of the respondent refutes the submissions by submitting that after granting numerous opportunities to the plaintiff, the



applications were dismissed in default as due to one reason or the other, adjournments were taken on behalf of the petitioner to address arguments on the applications.

4. Apart from hearing the arguments, the impugned order as well as the record has been perused.

5. Having considered the above submissions and in the interest of justice, the impugned order dated 27.04.2020 with respect to dismissal of the aforementioned two applications in default is set aside.

6. Learned Trial Court is directed to hear the arguments on both the applications on the next date, which is already fixed before it.

7. Learned Trial Court is directed not to grant any adjournment to any of the parties on the next date of hearing on whatsoever grounds. Thereafter, applications be disposed of expeditiously by the learned Trial Court.

8. In view of the above, petition along with pending application stands disposed of.

SHALINDER KAUR, J.

FEBRUARY 19, 2024/ss