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

+ **TEST.CAS. 17/2023**

VIKAS MALHOTRA

.....Petitioner

Through: Mr. Sanjeev Mahajan, Mr.
Rishabh Varshney and Mr.
Pranjal Tandon, Advs.
with petitioner in person

versus

THE STATE OF NCT OF DELHI & ORS.....Respondents

Through: Mr. M.P.Sahay, Ms.
Yaman Verma, Ms.
Drishti Narbar, Mr. Kartik
Jindal and Ms. Srishti
Malik, Advs. for R-3
Mr. Abhey Narula, Adv.
for R-4
Mr. Ujas Kumar, Adv. for
R-7
Ms. Damini Chawla, Adv.
for R-8 & 9

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. SHUCHI
LALER (DHJS)**

ORDER

08.10.2024

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1. The case is at the stage of admission/denial of documents. Affidavits of admission/denial have been filed by respondent no.2 to 5, 8 and 9.

2. Learned counsel for respondent no.7 seeks time to file the affidavit of admission/denial. Perusal of record reveals that on 18.03.2024, a week's time was granted to



respondent no.7 to file the affidavits of admission/denial. Thereafter again on 27.03.2024, the Hon'ble Court had directed that the respondents, who have not filed their affidavit of admission/denial, they shall file the same within two weeks.

3. Learned counsel for respondent no.7 submits that as vide order dated 05.07.2024 and 19.07.2024, it was observed that affidavit of admission/denial have been filed by all the parties except respondent nos. 1 and 6 so he was under the impression that he was allowed to adopt the affidavit of admission/denial of respondent nos. 4 & 5 along with their objections.

4. No doubt there has been an inadvertent mistake in the orders dated 05.07.2024 and 19.07.2024, wherein it is recorded that affidavits of admission/denial have been filed by all respondents except respondent nos. 1 & 6, however no reasonable ground is made out for non-filing of affidavit of admission/denial by respondent no.7 as specific directions for filing of affidavit of admission/denial were given on 18.03.2024 and thereafter again on 27.03.2024, which were not complied with.

5. In the absence of any specific order permitting respondent no.7 to adopt the affidavit of admission/denial of respondent nos. 4 & 5, there was no reason to construe that respondent no.7 could adopt the affidavit of admission/denial of respondent nos. 4 & 5.

6. The proceedings have been considerably delayed by respondent no.7. Solely in the interest of justice, he is granted last and final opportunity to file the affidavit of admission/denial before 16.10.2024, subject to payment of



cost of Rs. 8,000/- to the petitioner within a week.

7. Joint document schedule is already on record so a fresh joint document schedule need not be filed subsequent to filing of affidavit of admission/denial of admission/denial by respondent no.7.

8. Only respondent nos. 4 and 5 have filed 48 documents in the instant matter. Respondent nos. 8 and 9 have admitted 33 documents of respondent nos. 4 & 5 out of which for 7 documents, the existence has been admitted and contents have been denied. Respondent no.3 has admitted 37 documents of respondent nos. 4 & 5 out of which contents of three documents have been denied.

9. The documents i.e. judgment dated 02.08.2006, written statement filed in CS (OS) 203/2023, order dated 27.10.2010, order dated 02.12.2010, compromise application bearing IA No. 2526/2011, order dated 18.02.2011, death certificate of Ms. Mala Marwah, Fixed Deposit Receipt dated 28.03.2021 have been admitted by all the parties and the same are accordingly marked as Ex. R-15, Ex. R-18, Ex. R-20 to 23, Ex. R-26 and Ex. R-27 respectively.

10. The petitioner has admitted two documents of respondent no.4 & 5, which are marked as Ex. R-30/3 and Ex. R-44/P. Respondent no.2 has admitted 33 documents of respondent nos.4 & 5 but has denied contents of three documents.

11. Admission/denial of documents of respondent nos. 4 & 5 stands concluded. Remaining respondents have not filed any documents. Necessary entries have been made in Column no. 11 of Joint Document Schedule.



12. Re-notify the  for admission/denial of petitioner's documents on 21.10.2024 at 2 pm.

**SHUCHI LALER (DHJS),
JOINT REGISTRAR (JUDICIAL)**
OCTOBER 8, 2024/cd
[Click here to check corrigendum, if any](#)