

Shri Santosh Kumar Chhabra vs Shri Harish Chander Chhabra & Ors on 7 February, 2019

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS (OS) 71/2019

SHRI SANTOSH KUMAR CHHABRA

..... Plaintiff

Through: Mr. Praveen Suri, Advocate with
Plaintiff in person. (M:9810928188)

versus

SHRI HARISH CHANDER CHHABRA & ORS.

..... Defendants

Through: Mr. Sandeep Sethi, Senior Advocate
with Mr. Anil Sharma, Mr. Gaurav
Gaur and Mr. Vivek Gaur, Advocates
for D-1. (M:9911040316)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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07.02.2019

I.A. 1635/2019 (exemption)

1. This is an application seeking exemption from filing original documents. Recording the Plaintiff's undertaking that the inspection of original documents shall be given, if demanded, or that the original documents shall be filed prior to the stage of admission/denial, the exemption is allowed. I.A. is disposed of.

2. For the reasons stated in the application, delay in re-filing is condoned. I.A. is disposed of.

I.As. 1632/2019 (u/O XXXIX Rules 1 & 2 CPC), 1633/2019 (u/O XXXII Rules 3 & 15 CPC), 1634/2019 (for direction) & 1636/2019 (filing of ad valorem court fee) Issue notice. Notice is accepted on behalf of Defendant No.1. Let reply to the applications be filed within one week.

List on 20th February, 2019.

CS (OS) 71/2019 Ld. counsel for Defendant No.1 has entered appearance on the last date. It is submitted by Mr. Sandeep Sethi, Id. Senior counsel appearing for Defendant No.1 that the medical condition of the Defendant No.3 - Mrs. Krishna Rani Chhabra (mother) is quite delicate, inasmuch as she is 92 years old and is suffering from various old age ailments. Defendant No.1 has filed the written statement and reply along with some documents, which have not yet come on record. Let the same be brought on record before the next date.

Mr. Praveen Suri, Id. counsel for Plaintiff submits that Defendant No.3 has executed two gift deeds and one Will. One of the gift deeds is dated 25 th May, 2018. Considering the old age of Defendant No.3, he requests that the statement of Defendant No.3 be recorded after she is examined by a doctor as to her medical condition.

Before hearing further arguments in the matter, it is deemed appropriate to appoint a doctor to ascertain the medical condition of Defendant no.3 and a Local Commissioner to record her statement in respect of the three properties subject matter of the present suit. Accordingly, Dr. KJS Bansal (CMO In- Charge) (M:9868110801) Delhi High Court dispensary is appointed to ascertain the medical condition of Mrs. Krishna Rani Chhabra, and Ms. Ruchira, Advocate (M:9810322797), who is present in Court, is appointed as the Local Commissioner to visit the residence of Defendant Nos.1 & 3 at 25/42, Punjabi Bagh (West), New Delhi-110026, to record her statement and ascertain her stand in respect of the three properties namely:

- 1) 25/42, Punjabi Bagh (West), Delhi.
- 2) Shop No.-288 Ground Floor Chowk Fatehpuri, Delhi-110006
- 3) Agricultural Land, Khasra No. 73/10 and 74/11 Village Nangloi Jat, Delhi Along with the Local Commissioner and the Doctor, one assisting counsel of Plaintiff can be present at the time of recordal of statement by the Local Commissioner. After recordal of the statement, Plaintiff is permitted to meet his mother - Defendant No.3.

Visit of Doctor and Local Commissioner is fixed for 9th February, 2019 at 11:30 am. Fee of the Local Commissioner is fixed at Rs.50,000/- and fee of the Doctor is fixed at Rs.20,000/-. Both fees to be borne by the Plaintiff.

List on 20th February, 2019.

Copy of the order be given dasti under signature of the Court Master.

PRATHIBA M. SINGH, J.

FEBRUARY 07, 2019/dk