

05.10.2021

Present: Counsel Ms. Priyanka Aggarwal for the plaintiff.

Proxy counsel Ms. Aditi for defendants no.1,2,4,5,6 & 10.

Counsel Ms. Samar Jahan for defendants no.7&8 with Sh. Raju,  
Asst. Engineer BJ/882 from EDMC.

Counsel Ms. Ritu Gupta for defendant no.9.

On behalf of defendants no.7&8 status report dated 05.10.2021 filed.  
Copy of same supplied to counsel for the plaintiff.

Order dated 08.03.2019 reflects that on behalf of plaintiff amended  
plaint was filed on the said date. Thirty days time was given to defendant Smt.  
Kiran Devi/defendant no.10 to file her written statement within 30 days.

Counsel for defendants no.7, 8&9 submits that they have not received  
the copy of amended plaint till today. Counsel for the plaintiff submits that copy of  
amended plaint has been supplied. Plaintiff is directed to supply the copy of  
amended plaint to counsel for defendants no.7,8&9.

Perusal of the record reveals that on behalf of plaintiff an application  
u/O 8 Rule 10 CPC is pending which is filed on behalf of plaintiff. Counsel for the  
plaintiff has pressed for the same.

Part arguments from the side of plaintiff and defendants are heard.  
Certain clarification is required and also certain documents are not arranged.  
Matter is passed over. In between let the judicial file be arranged.

Put up at 2.00 p.m.

(VIJAY KUMAR JHA)  
Addl. District Judge-02 (East)  
Karkardooma Courts/05/10/2021

At 2.20 p.m.

Present: Counsel Ms. Priyanka Aggarwal for the plaintiff.

After segregation of the record, the Court is able to trace the written statement filed on behalf of all the defendants.

It is submitted by counsel for the plaintiff that subsequent to taking of amended plaint filed by the plaintiff on record, no written statement has been filed on behalf of defendants no.1 to 9 and that the written statement filed by defendant no.10 has not been filed within stipulated period of 30 days as directed by the Court.

The Court is also able to trace an application filed on behalf of defendant no.10 on 04.07.2019 u/O 8 Rule 1 CPC seeking condonation of delay in filing the written statement. If any of the defendants have filed their written statement and plaint by the plaintiff is amended and the defendant does not file their written statement to the amended plaint, the earlier written statement filed by the defendants are not obliterated from the record. They could be read for the facts which were not amended in the plaint by the plaintiff subsequently. The application filed by the plaintiff u/O 8 Rule 10 CPC shall be taken up after application filed by defendant no.10 u/O 8 Rule 1 CPC is decided.

Put up for further proceedings on 18.02.2022.

Addl. District Judge-02 (East)