

CS DJ-125/23
ANGAD AHUJA Vs. VIKAS AHUJA

29.08.2023

Present : Sh. Yash Prakash and Ms. Avantika Singh,
Ld. Counsels for plaintiff.
Sh. Debmalya Ganguli and Ms. Shivangi Sinha,
Ld. Counsel for defendants no.1 & 2.
Sh. D. Nanda, Ld. Counsel for defendant no.3.

WS along with application under Section 5 of Limitation Act read with Order VIII Rule 1 CPC seeking condonation of delay filed on behalf of defendant no.3. Copy supplied.

Arguments heard on separate applications seeking condonation of delay in filing WS on behalf of defendants no.1 & 2 as well as defendant no.3.

It is submitted by Ld. Counsel for plaintiff that he has no objection if the delay in filing WS by defendants is condoned for ensuring adjudication of the case on merits subject to imposition of suitable cost.

Submissions heard. Record perused.

It is well settled that time period for filing WS as mentioned under Order VIII Rule 1 CPC in a non-commercial suit is directory and not mandatory. Keeping in view the totality of circumstances and no objection on behalf of plaintiff, delay in filing WS on behalf of defendants is condoned subject to deposition of cost of Rs.2,000/- each payable by defendants no.1 & 2 and defendant no.3 to the plaintiff.

Applications under Order VIII Rule 1 CPC filed

on behalf of defendants no.1 & 2 and defendant no.3 stand disposed of accordingly.

At this stage, replication to the WS of defendants no.1 and 2 is filed on behalf of plaintiff. Copy supplied.

Some time is sought on behalf of plaintiff to file replication to the WS of defendant no.3. In the meantime, affidavit of admission/denial of documents be filed by both the parties.

Put up for settlement of issues **on 25.10.2023.**

(Akash Jain)
ADJ-01 (South East) Saket Court
New Delhi/29.08.2023 (vg)