

**17.11.2022**

**Present:** Ld. Counsel for plaintiff.

Sh.Avinash Ankit Adv. Ld. Counsel for defendant  
no.1 with AR.

Ld. Counsel for defendant no.2.

Defendant no.3 remained unserved with remarks  
“left” and “no such firm”. However, plaintiff filed the service  
report of defendant no.3 through all 3 modes. Report filed by the  
plaintiff counsel.

Plaintiff is directed to furnish fresh address of  
defendant no.3 and take fresh steps on PF, RC, Courier.

An application u/s 151 CPC is moved by Ld.  
Counsel for defendant no.1 for substitution of AR of defendant  
along with authority letter. In view of the same, the new AR  
Ms.Ashu Shukla is substituted in place of earlier AR. Application  
is disposed off. Affidavit of admission denial is also filed by  
defendant no.1.

Written statement was also filed by defendant no.1  
along with application for condoning the delay of 17 days.  
Heard. Delay is condoned and application disposed off. Written  
statement of defendant no.1 is taken on record.

Written statement was also filed by defendant no.2  
along with application for condoning the delay of unspecified  
number of days. Written statement was filed by defendant no.2  
on 28.10.2022 whereas Ld. Counsel for defendant no.2 had been  
appearing since 13.09.2021.

CS DJ 465/21  
M/S. BALJIT NUTRITION STORES P LTD Vs. CONTAINERCORPORATION OF  
INDIA LIMITED

Ld. Counsel for plaintiff submits that written statement of defendant no.2 may be taken on record subject to heavy costs. The reasons given in the condonation application are that matter was taken up by different levels of the department.

Though the reasons given in the condonation application does not justify such a long delay, however, in view of the submissions of Ld. Counsel for plaintiff, and in the interest of justice, written statement of defendant no.2 is taken on record subject to costs of Rs.10,000/- to be paid by defendant no.2 to the plaintiff.

Replication in the form of rejoinder was also filed by the plaintiff to the written statement of defendant no.1.

An application under Order 7 Rule 11 CPC was also moved by defendant no.2.

Put up for reply and arguments on application under Order 7 Rule 11 CPC on **21.02.2023**.

**(Munish Markan)**  
**ADJ-02(SE)/District Courts, Saket,**  
**New Delhi/17.11.2022**