

14.01.2025

At 10:22am

Present: Ms. Priyanka, Ld. proxy counsel for Sh. Pravesh Kumar, Ld. Counsel for plaintiff through VC.
Sh. Jitendra Kumar, Ld. counsel for defendants along with defendants in person.

As per report of process server, summons has been duly served upon defendants on 16.10.2024.

Separate written statements of D-1 and D-2, applications under Section 5 of Limitation Act and documents along with list of documents filed on behalf of D-1 and D-2. Copy already supplied. Same has been acknowledged.

Replication to the written statements and application under Order XXXVIII Rule 5 CPC filed on behalf of plaintiff on 13.01.2025. Copy already supplied. Same has been acknowledged.

Ld. proxy counsel for plaintiff, on instructions submits that plaintiff has no objection, if the applications for condonation of delay in filing written statements be allowed.

Heard. Applications perused.

The matter is still at initial stage and issues are yet to be framed. It is also settled law that all cases shall be decided on merits and after giving proper opportunities to all the parties to represent themselves and contest the case.

In view of the submissions, contentions made in the applications, no objection given by Ld. proxy Counsel for plaintiff and also considering that the matter is still at initial stage and no prejudice

(2)

would be caused to plaintiff, if the applications be allowed, therefore, the present applications are hereby allowed.

Two applications under Section 5 of Limitation Act are accordingly disposed off.

Written statements of defendants no.1 and 2 are taken on record.

Defendants are directed to file reply of the application under Order XXXVIII Rule 5 CPC within 15 days from today with an advance copy to plaintiff.

Parties are directed to file their respective affidavit of admission and denial of documents within 15 days from today with an advance copy to each side.

Parties are directed to produce original documents on NDOH. Parties are also directed to file proposed issues, if any.

Parties are also directed to appear in person on NDOH for the purpose of admission and denial of documents and recording of their statements under Order X CPC.

Put up for admission and denial of documents and reply and arguments on the application under Order XXXVIII Rule 5 CPC and framing of issues on **18.03.2025**.

Date is given as per the convenience of Ld. counsels.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
14.01.2025