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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 73/2023**

AJIT CHAUDHARY

..... Plaintiff

Through: Mr. Jeet Chakraborti, proxy cl.
for Mr. Ahmad Ibrahim, Adv.
(Mob.7747995781) (Email:
ahmadibrahimlaw@gmail.com)
(joined through VC)

versus

RUBEL FLORIST PVT. LTD. & ANR. Defendants

Through: Mr. Bharat Arora, Adv. for D-1
None for D-2

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% **21.05.2024**

CS(OS) 73/2023

Pleadings in the suit qua defendant no.1 are already complete and the right of the defendant no.2 to file Written Statement has already been ordered to be forfeited.

As per office note, fresh Vakalatnama filed by learned counsel for the plaintiff is on record.

The defendant no.1 is directed to file soft copy as well as physical copy of Joint Schedule of the documents within four weeks with copy to the opposite side.

Re-notify the matter for marking of exhibits/further proceedings on the next date of hearing.

Counter Claim No.18/2023 filed by the defendant no.1

Learned counsel for the plaintiff in the main suit and defendant no.1 in the Counter Claim accepted notice of the captioned Counter Claim on 09.05.2023. Thereafter, the plaintiff/defendant no.1 in the Counter Claim has filed two Written Statements to the Counter Claim on record. One is filed vide diary no.1645344/23 and second is filed vide



diary no.2312994/23. The learned counsel for the Counter Claimant submits that both the said Written Statements are filed beyond 120 days and that he has made submissions in this regard on 05.09.2023.

Heard and record perused. It be noted that the first Written Statement to the Counter Claim has been filed by the plaintiff/D-1 in Counter Claim vide diary no.1645344/23 earliest on 05.10.2023. It is apparently beyond 120 days. At this stage, adjournment is sought by Learned Counsel for plaintiff/ D-1 in Counter Claim on the ground that Learned leading Counsel is not available. Adjourned at his request.

No Written Statement to the Counter Claim has been filed by the **defendant no.2 till date despite service on 03.10.2023**. None is present on behalf of the defendnat no.2 today to explain in this regard. Hence, the right of defendant no.2 to file Written Statement to the Counter Claim is ordered to be closed.

The defendant no.1/Counter Claimant is directed to file soft copy as well as physical copy of Joint Schedule of the documents within four weeks with copy to the opposite side.

Previous outstanding cost be also paid by learned counsel for the plaintiff to learned counsel for the defendant no.1 before the next date of hearing.

Re-notify the matter for marking of exhibits to the documents on 27.08.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
MAY 21, 2024/ab

Click here to check corrigendum, if any