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* **IN THE HIGH COURT OF DELHI AT NEW
DELHI**

+ **CS(OS) 70/2022**

GYANENDER

..... Plaintiff

Through: Mr. B.S. Bartwal,
Advocate appeared
physically
(M: 9205659812)

versus

DEVENDER DABAS & ORS.

..... Defendants

Through: Mr. Nitin Kumar Solanki,
Advocate for Defendant
no.1 appeared physically

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. TYAGITA
SINGH, (DHJS)**

ORDER

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11.05.2023

*Matter is taken up through physical hearing as well as
video conferencing.*

CS(OS) 70/2022

Learned counsel for defendant no.1 has stated that due to health issues of main counsel Sh. O.P. Saxena, written statement could not be filed on behalf of defendant no.1 and he undertakes to file written statement alongwith vakalatnama and application for condonation of delay within three weeks, which shall be considered on merits. Advance copy of the same be supplied to the opposite parties.

Written statement on behalf of defendant no.3 has come on record. Learned counsel for the plaintiff has stated that he does not want to file replication as defendant no.3 has not objected to the petition.

Heard. Pleadings are complete qua defendant no.3.



IA No. 2588/2023 (application filed by the plaintiff u/O XXII Rule 4 r/w Section 151 CPC for impleadment of Legal Heirs of deceased defendant no.2)

And

IA No. 2589/2023 (application u/O XXII Rule 9 r/w Section 151 CPC r/w Section 5 of the Limitation Act for setting-aside the abatement and/or for condonation of delay of 332 days in filing IA No. 2588/2023)

Learned counsel for LR's of deceased defendant no.2 has filed vakalatnama on behalf of LR's and has stated that he has no objection to the applications. He is directed to file copy of death certificate of defendant no.2 on record.

Learned counsel for defendant no.1 has sought some more time to file reply. Reply be filed within three weeks with advance copy to the opposite parties, as last opportunity to defendant no.1.

Put up for completion of pleadings in these IAs and further hearing on 11th August, 2023.

**TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MAY 11, 2023
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