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

+ CS(OS) 74/2022 and IA No. 2168/2022 (application filed by the plaintiff u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

KELA DEVI

..... Plaintiff

Through: Mr. Vikrant Mehta,
Advocate appeared
through VC

(email: advocatevikrantmehta@gmail.com)

versus

ANIL KUMAR JAIN & ORS.

..... Defendants

Through: Mr. Rakesh Saini,
Advocate for Defendant
nos. 1 to 4 appeared
physically
Mr. Anil Sharma, Mr.
Gagan Gupta, Mr. Aman
Bhardwaj and Mr. Saalil
Batar, Advocates for
Defendant no.5 appeared
physically
Ms. Shefali Kishore, Mr.
Pryam Pandey and Ms.
Shruti Gupta, Advocates
for Defendant nos. 7 and 8
appeared physically

CORAM:

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

ORDER
13.01.2023

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



IA No. 8963/2022 (application filed by defendant nos. 7 and 8 u/O VIII Rule 1 r/w Section 151 CPC seeking condonation of delay of 16 days in filing written statement) and IA No. 8964/2022 (application filed by defendant nos. 7 and 8 for condonation of delay of 18 days in re-filing the application for condonation of delay in filing written statement u/S 151 CPC)

The applications have been filed by defendant nos. 7 and 8 for condonation of delay in filing and re-filing the written statement.

Learned counsel for the plaintiff has stated that he has no objection to the applications.

Heard. Keeping in view of reasons mentioned in the application and in view of submissions made by the parties, both IAs stand allowed and delay in filing and re-filing is condoned. Written statement of defendant nos. 7 and 8 is taken on record alongwith affidavit of admission/denial, vakalatnama and documents.

Both IAs stand disposed off.

IA No. 5130/2022 (application filed by defendant nos. 7 and 8 u/O VII Rule 11 CPC for dismissal of the plaint)

Reply has been filed by the plaintiff. Copy supplied.

Rejoinder, if any, be filed within four weeks with advance copy to the opposite party.

IA No. 5129/2022 (application filed by defendant nos. 7 and 8 u/O XXXIX Rule 4 r/w Section 151 CPC to set aside the order dated 08.02.2022)

Reply not filed by the plaintiff till date. Last opportunity is granted to plaintiff for filing reply within four weeks with advance copy to the opposite parties.



Learned counsel for defendant no.5 has informed that defendant no.6 Smt. Anita Jain is not of sound mind. Perusal of the previous file noting reveals that defendant no.6 has remained unserved.

Learned counsel for the plaintiff is directed to verify this fact and to take appropriate steps for proper representation of defendant no.6.

Written statement of defendant nos. 7 and 8 has been taken on record today. At request, complete set of written statement and documents be supplied to learned counsel for the plaintiff by way of e-mail within one week. Replication, if any, be filed within four weeks alongwith affidavit of admission/denial.

Replication has not been filed by the plaintiff to written statement of defendant nos. 1 to 4 and defendant no.5. Time for filing replication has already expired. **Hence, right of plaintiff to file replication to written statement of defendant nos. 1 to 4 and defendant no.5 stands closed today.**

Plaintiff is directed to file affidavit of admission/denial in respect of documents of defendant nos. 1 to 4 and defendant no.5, if any, within four weeks.

Put up for completion of pleadings on 25th April, 2023.

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

JANUARY 13, 2023
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