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

+ **CS(COMM) 169/2026**

**M/S DREAM HOME AND ASSOCIATES THROUGH
ITS PARTNERS & ORS.**

.....Plaintiff

Through: Mr. Vijay Prajapati, Adv.
(appeared through VC)

versus

M/S S. GAMBHIR CONSTRUCTION & ORS.

.....Defendant

Through: Mr. Parmod K. Sharma, Adv. for
D-1
Mr. Rajpal Gulia & Mr. Rahul
Dagar, Advs. for D-3

**CORAM:
JOINT REGISTRAR (JUDICIAL) SH. SUMIT
DALAL**

ORDER
07.07.2026

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**IA No. 16371/2026 (under Order VIII Rule 1A r/w
Section 151 CPC filed on behalf of defendant no.1)**

1. Notice is issued. Notice is accepted by learned counsel for the plaintiff.
2. Learned counsel for the plaintiff submits that he is not filing any reply and, moreover, has no objection if the captioned IA is allowed.
3. In view of the submissions made and the no objection given by learned counsel for the plaintiff, the captioned IA is allowed.
4. The delay in filing the written statement on behalf of Defendant No. 1 is hereby condoned.



5. The IA stands disposed of accordingly.

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6. As per the service report, Defendant No. 2 remains unserved.

7. The report states that despite repeated knocking and ringing of the doorbell, no response was received and no information could be obtained from the other occupants of the building.

8. Learned counsel for the plaintiff submits that Defendant No. 2 is residing at the said address and is deliberately avoiding service of summons.

9. Accordingly, he prays for one further attempt to serve Defendant No. 2 at the same address along with dasti service.

10. In view of the submissions made, let Defendant No. 2 be served at the same address through all permissible modes, including dasti service, as prayed.

11. As per office note, Defendant No. 4 has filed vakalatnama, written statement, affidavit of admission/denial and statement of truth. The statement of truth has been returned under objections.

12. Accordingly, Defendant No. 4 is directed to coordinate with the Registry, remove the objections and have the same placed on record.

13. As per office note, Defendant No. 1 has filed the written statement along with the affidavit of admission/denial, documents and vakalatnama. However, the written statement has been returned under objections.

14. Vide order passed in IA No. 16371/2026, the delay in



filing the written statement on behalf of Defendant No. 1 has been condoned.

15. Accordingly, the objections, if any, relating to delayed filing stand removed.

16. Any other objections shall be dealt with by the Registry in accordance with law.

17. Defendant No. 1 is directed to coordinate with the Registry and have the written statement placed on record.

18. Perusal of the order dated 25.03.2026 reveals that Defendant No. 3 was served through WhatsApp on 11.03.2026. On the submission of learned counsel for Defendant No. 3 that he had not received the copy of the plaint and complete paper book, directions were issued to the plaintiff to supply the same through WhatsApp. It was further clarified that the period of limitation for filing the written statement on behalf of Defendant No. 3 would commence from the date of receipt of the complete plaint and paper book.

19. Today, learned counsel for Defendant No. 3 submits that he has still not received the copy of the plaint and complete paper book as directed vide order dated 25.03.2026.

20. The said submission is vehemently opposed by learned counsel for the plaintiff, who submits that the plaint had been supplied through WhatsApp to learned counsel for Defendant No. 3.

21. Upon a specific query regarding the date of such service, learned counsel for the plaintiff submits that his mobile phone has since been replaced and, therefore, he



is unable to confirm the date on which the documents were sent. He, however, submits that he shall again supply the copy of the plaint and complete paper book to learned counsel for Defendant No. 3.

22. Accordingly, let the copy of the plaint and the complete paper book be supplied to learned counsel for Defendant No. 3 today itself through WhatsApp on the same mobile number.

23. It is again clarified that the period of limitation for filing the written statement on behalf of Defendant No. 3 shall commence from the date of supply of the complete plaint and paper book.

24. Let the pleadings be completed as per Rules.

25. List before the Hon'ble Court for further directions on the date already fixed, i.e., **08.07.2026**.

SUMIT DALAL
JOINT REGISTRAR (JUDICIAL)

JULY 7, 2026/nk