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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 140/2023

TAPATI MAZUMDAR & ANR.

..... Plaintiffs

Through: Ms. Manpreet Kaur & Mr. Rohit
Ghadia, Advs.

Versus

KAVERI KAPOOR & ORS.

..... Defendants

Through: Mr. Praveen Kumar, Adv.

CORAM:

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

ORDER

% 20.02.2024

CS(OS) 140/2023

As per record, Written Statement alongwith Affidavit of Admission/Denial of the documents and documents filed by the defendants have been placed by the Registry.

It is stated by learned counsel for the plaintiff that she has received cost of Rs.1500/- from the defendants.

Again, the defendants have not taken requisite steps to bring on record application seeking condonation of delay in filing Written Statement and Affidavit of Admission/Denial of the documents stated to have been filed by the defendants. Learned counsel for the defendants has placed on record the list of defects mentioned by the registry and submitted that all defects have been cleared. The same is taken on record. In fact, it is clear from the defects mentioned at Sr. No.8 raised by the registry that application seeking condonation of delay in re-filing application under Order VIII Rule 1 CPC alongwith the



fresh proof of service has not been filed by the defendants which was necessary as the defendants have not brought on record the application seeking condonation of delay in filing the Written Statement within two weeks in terms of order dated 05.12.2023.

At this stage, it is conceded by learned counsel for the defendants that till date he has not filed an application seeking condonation of delay in re-filing application under Order VIII Rule 1 CPC and seeks one more opportunity for filing the same. At his oral request, the delay in filing application under Order VIII, Rule 1 of CPC by the defendants is condoned provided that the steps are taken by the defendants within three days to bring an application seeking condonation of delay in filing Written Statement and Affidavit of Admission/Denial of the documents on record.

It is already stated by the plaintiff that she does not want to file reply to the same.

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

IA No.20292/2023 (under Order XII Rule 6 read with Section 151 CPC) moved by plaintiff

Reply to the captioned IA has not been filed by the defendants till date. Learned counsel for the defendants seeks some more time to file reply to the captioned IA. Opposed. In the interest of justice and subject to imposition of cost of Rs.2000/- to be paid to the plaintiff by the defendants, one more last and final opportunity is granted to the defendants to file reply to the captioned IA within one week with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter



with copy to the opposite side.

Re-notify the captioned IA for completion of pleadings/consideration on 15.05.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 20, 2024/ab
Click here to check corrigendum, if any