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

+ **CS(OS) 95/2022 & I.A. 2758/2022 [u/s 80(2) CPC],**

DR. VIKRAM SAMPATH

.....Plaintiff

Through: Mr. Mukesh Sharma, Mr. Raghav
Awasthi & Mr. Kunal Tiwari,
Advs. (through VC).

versus

DR. AUDREY TRUSCHKE & ORS.

.....Defendant

Through: D-1 is yet to be served.

Ms. Varsha Sharma, Adv. for D-2.

Mr. Prasanna S., Mr. Soutik
Banerjee & Mr. Yuvraj Singh
Rathore, Advs. for D-3.

Mr. Saransh Jain & Mr. Abhishek
Kumar, Advs. for D-4 (through
VC).

Ms. Shreya Vedailika Mehra,
CGSC for D-5/UOI.

Mr. Thejesh R. & Mr. Tejpal Singh
Rathore, Advs. for D-6.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)**

ORDER
15.02.2023

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**I.A. No. 3025/2023 (by defendant no.6 under Section 151
CPC for exemption from filing Apostilled pleadings with
affidavit).**

1. Ld. Counsel for defendant no.6 submits that wishes to
press the captioned IA only with respect to affidavit filed
alongwith reply to interim application being IA No.
3125/2022.



2. Ld. Counsels appearing today submit that they have no objection if the captioned IA is allowed.
3. Heard. Subject to filing of Apostilled pleadings with affidavit in respect of reply to the interim application being IA No. 3125/2022, within four weeks, exemption is allowed for the present.
4. The captioned IA stands disposed off accordingly.

I.A. No. 3026/2022 (by defendant no.3 under Section 151 of CPC seeking condonation of delay of 79 days in filing written statement)

1. Ld. Counsel for plaintiff accepts notice of the captioned IA and submits that he does not wish to file any reply to the same and has no objection if the same is allowed.
2. For the reasons stated in the application and in view of submissions on behalf of the parties, delay in filing written statement on behalf of defendant no.6 is condoned and the written statement is taken on record.
3. The captioned IA stands disposed off accordingly.

I.A. No. 16448/2022 (by defendant no.3 u/O-XXXIX R-4 of CPC);

I.A. No. 16449/2022 (by defendant no.3 u/O-VII R-11 of CPC) &

I.A. No. 16450/2022 (by defendant no.3 u/O-VII R-10 of CPC)

1. No reply to the captioned IA was filed on behalf of the plaintiff in terms of order dated 11.10.2022.
2. Ld. Counsel for plaintiff has submitted that he has already filed replies to the captioned IAs vide diary no. 1977596/2022. However, the same do not find mention in the office noting. Let appropriate steps be taken as per law.



3. Ld. Counsel for defendant no.3 submits that he has received copies of the reply on behalf of plaintiff and he does not wish to file reply to the captioned IAs.
4. Re-notify the captioned IAs for completion of pleadings and further proceedings on **19th July, 2023**.

I.A. No. 2757/2022 (by plaintiff u/O XXXIX Rules 1 & 2 of CPC);

I.A. No. 3125/2022 (by plaintiff u/O XXXIX Rules 1 & 2 of CPC);

I.A. No. 3591/2022 (by plaintiff u/O XXXIX Rules 1 & 2 of CPC) &

I.A. No. 6772/2022 (by plaintiff u/O XXXIX Rules 1 & 2 of CPC)

1. Perusal of record would show that reply to IA No.2757/2022 was filed on behalf of defendant no.2. Ld. Counsel for plaintiff submits that he does not wish to file any rejoinder to the said reply.
2. No other reply to the captioned IAs has been filed.
3. Non-applicants may file reply to the captioned IAs within four weeks as last opportunity and rejoinder thereto be filed within two weeks thereafter.
4. Re-notify the captioned IAs for completion of pleadings and further proceedings on **19th July, 2023**.

CS(OS) 95/2022

1. As per office noting for 30.01.2023, reply filed on behalf of the plaintiff vide diary no.1977596 dated 03.12.2022 was returned under objection. Let appropriate steps be taken as per law.
2. As per office noting for today, written statement and affidavit of admission/denial of documents were filed on behalf of the defendant no.6 on 13.02.2023. The same



has been taken on record vide order passed today while disposing off IA No.3026/2023.

3. The plaintiff may file replication alongwith affidavit of admission/denial of documents qua defendant no.6 as per law.
4. Separate written statements and affidavits of admission/denial of documents by defendant no.2, defendant no.3 and defendant no.4 are on record.
5. Separate replications to written statement of defendant no.2 and defendant no.3 were already filed on behalf of plaintiff.
6. Office noting for today reveals that replication to written statement of defendant no.4 was filed on behalf of the plaintiff on 13.02.2023.
7. Right of plaintiff to file affidavit of admission/denial qua defendants no.2 to 4 was already closed vide order dated 17.11.2022.
8. Vide order dated 01.04.2022, the defendant no.5 was directed to file written statement to the amended plaint, however, written statement and affidavit of admission/denial of documents has not been filed on behalf of the defendant no.5 till date. Let appropriate steps be taken as per law.
9. At request, issue fresh summons of the suit and notice of the pending applications to the defendant no.1 through all permissible modes for next date of hearing.
10. Let the pleadings be completed as per law.
11. Registry is directed to put all the disposed of applications in separate folder in terms of the order dated 11.10.2022 passed by the Hon'ble Court.



12.Re-notify the present matter for completion of pleadings and further proceedings on **19th July, 2023**.

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 15, 2023/v
Click here to check corrigendum, if any