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

+ **CS(OS) 98/2021, I.A. 2178/2021**

ASHOK TYAGI

..... Plaintiff

Through: Ms.Smita Maan, Mr. Vishal Maan,
Mr. Aakash Sehrawat, Advs.(VC)

versus

NARESH TYAGI & ORS.

..... Defendants

Through: Mr. Birender Singh, Adv. for LR's of
D-1.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

03.04.2024

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I.A. 5643/2024

1. The present application has been filed seeking condonation of delay of 380 days in refiling the application for condonation of delay of reply to the application under Order VI Rule 17 of CPC.
2. For the reasons stated in the application, the application is allowed.

I.A. 5644/2024

3. The present application has been filed seeking condonation of delay of 420 days in refiling of reply to the application under Order VI Rule 17 of CPC being I.A. No,9039/2021.
4. For the reasons stated in the application, the application is allowed.

I.A. 9039/2021

5. The present application has been moved under Order VI rule 17 read with Section 151 CPC seeking permission to amend the plaint. The



grounds of amendment have been mentioned in para -13 of the application for the sake of gravity, same had not been reproduced herein.

6. Learned counsel for the plaintiff submits that the amendment became necessary on account of averments in the written statement of defendant No.2. Learned counsel submits that the right to file a written statement of defendant No.2 to 5 has already been closed vide order dated 28.03.2023.
7. Learned counsel for the defendant No.1 states that without prejudice to the rights and contentions of the LRs of defendant No.1, the application may be allowed subject to heavy cost.
8. The suit is at the initial stage and with the facts and circumstances, the amendment is allowed subject to a cost of Rs.20,000/- to the LRs of defendant No.1.
9. Accordingly, the application is allowed and disposed of.

CS(OS) 98/2021

10. Let amendment plaint be filed within four weeks with a copy to the learned counsel LRs of defendant No.1 subject to payment of cost to LRs of defendant No.1.
11. List the matter before the Joint Registrar (Judicial) for completion of pleadings on 08.05.2024.

DINESH KUMAR SHARMA, J

APRIL 3, 2024

Pallavi