



2023-04-13 15:22:29

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

+ CS(OS) 244/2021 and IA No. 13696/2021 (application filed by defendant no.8 u/S 151 CPC seeking exemption from filing original documents) and IA No. 13697/2021 (application filed by defendant no.8 u/S 151 CP seeking exemption from filing certified copies of documents)

VIPIN WADHWA

..... Plaintiff

Through: Mr. Devesh Bhatia, Advocate
appeared through VC

versus

PRASHANT ENTERPRISES & ORS.

..... Defendants

Through: Ms. Ragini Juneha, Advocate for
Defendant no.7 appeared physically
Ms. Nikita Garg, Advocate for
Defendant no.8 appeared physically

CORAM:

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

ORDER

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11.04.2022

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

IA No. 7367/2021 (u/O 39 Rules 1 and 2 CPC)

Reply filed by defendant no.8.



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IA No. 13695/2021 (application filed by defendant no.8 u/S 149 r/w Section 151 CPC)

Learned counsel for defendant no.8 has stated that there was some deficiency in filing court fees with his counter claim, but he has filed complete court fees as required. The concerned official is directed to file the report regarding court fees filed by defendant no.8 alongwith his counter claim.

CS(OS) 244/2021

Learned counsel for the plaintiff has stated that defendant no.1 is a partnership firm and defendant nos. 2 to 6 are its partners.

PF was not filed for service of unserved defendants after the last date of hearing.

At request, fresh summons be issued to defendant nos. 1,4,5 and 6 on filing of PF by all permissible modes including electronic mode. Affidavit of service be filed atleast one week before the next date of hearing.

As per file noting, written statement alongwith affidavit of admission/denial on behalf of defendant nos. 2 and 3 and written statement alongwith affidavit of admission/denial on behalf of defendant no.8 has come on record.

Written statement of defendant no.7 is still lying under objections. Learned counsel for defendant no.7 undertakes to remove the objections within one week so that it comes on record. Fresh copy of the same be supplied to learned counsel for the plaintiff.



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Learned counsel for the plaintiff has objected that written statement of defendant nos. 2 and 3 is delayed and it is not supported by any application for condonation of delay. Learned counsel for defendant nos. 2 and 3 undertakes to file appropriate application in this regard.

Replication to written statement of defendant no.8 has been filed by the plaintiff. Copy supplied.

Learned counsel for defendant no.8 has stated that counter claim has not been numbered yet.

Learned counsel for the plaintiff has stated that he has filed written statement to the counter claim of defendant no.8. The concerned official is directed to register the counter claim of defendant no.8 and provide the separate number.

Replication to counter claim may be filed as per law with advance copy to the opposite parties.

Put up for completion of pleadings on 26th July, 2022.

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

APRIL 11, 2022
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