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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 244/2021
VIPIN WADHWA

..... Plaintiff

Through: Mr. Devesh Bhatia and
Mr. Sadre Alam,
Advocates appeared
physically

versus

PRASHANT ENTERPRISES & ORS..... Defendants

Through: Mr. Rajesh Kumar Luthra,
Advocate for Defendant
nos.2 and 3 appeared
physically
Ms. Bhavna Vijay,
Advocate for Defendant
no.7 appeared physically
Ms. Nitika Garg, Advocate
for Defendant no.8
appeared physically

CORAM:

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

ORDER
20.01.2023

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

**IA No. 15129/2022 (application filed by defendant nos. 2 and
3 u/S 5 of the Limitation Act for seeking condonation of delay
in filing of written statement)**

Learned counsel for defendant nos. 2 and 3 has stated that
he has prayed for condonation of delay of 56 days in filing
written statement vide this application. Written statement was
filed during COVID-19 Pandemic period and he has relied upon
the judgment of the Hon'ble Supreme Court in **Suo-Moto in
W.P.(C) No. 3/2020.**



Learned counsel for the plaintiff has stated that he has no objection to the application.

Heard. The application stands allowed and written statement of defendant nos. 2 and 3 is taken on record.

IA stands disposed off.

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

Report has been received from the concerned official of the Registry that court fees in respect of the counter claim has already been e-filed by defendant no.8 amounting to Rs. 2,10,000/-.

Heard. The application stands allowed and disposed off.

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 CPC seeking exemption from filing certified copies of documents)

These are the formal applications. The applications stands allowed. Defendant no.8 may produce the original documents as and when required.

Both IAs stand disposed off.

IA No. 22171/2022 (application filed by Defendant no.8 u/O VII Rule 11 CPC)

Reply has not been filed by the plaintiff.

At request, last opportunity is granted to plaintiff to file reply within two weeks with advance copy to the opposite parties.



IA No. 22176/2022 (application filed by defendant no.8 u/O XII Rule 6 CPC)

Reply has not been filed by the plaintiff.

At request, last opportunity is granted to plaintiff to file reply within two weeks with advance copy to the opposite parties.

CC No. 4/2022

Pleadings are already complete.

CS(OS) 244/2021

Written statement of defendant nos. 2 and 3 has been taken on record today.

Written statement of defendant no.7 filed vide Dy. No. 132133 dated 14.11.2022 is still lying under objections and objections have not been filed by defendant no.7.

At request last opportunity is granted to defendant no.7 for removing objections within one week so that it comes on record. Fresh copy be supplied to plaintiff by way of e-mail within one week.

Replication to written statement of defendant nos. 2 and 3 and written statement of defendant no.7 may be filed within four weeks with advance copy to the opposite parties.

Perusal of the file noting reveals that PF filed by the plaintiff for service of defendant nos. 1,4,5 and 6 have been returned under objections. Last opportunity is granted to plaintiff for fresh service of defendant nos. 1,4,5 and 6, subject to cost of Rs. 1,000/- to be deposited with Delhi High Court Legal Services Committee.

CS(OS) 244/2021

Page 3 of 4



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

Put up for completion of pleadings on 13th February, 2023.

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

JANUARY 20, 2023
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CS(OS) 244/2021

Page 4 of 4