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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 35/2017**
MRS DEEPA TALREJA

..... Plaintiff

Through Mr. Amit Singh Chauhan, Adv.

versus

MRS TARA JOSHI & ORS

..... Defendant

Through Mr. Ankit Shah, Adv. for D-1&2
Ms. Shilpi Jain, Adv. for D-3
Mr. Vivek R. Mohanty, Adv. for D-4

CORAM:
SANJEEV AGGARWAL (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER

% 25.10.2017

IA No.12284/2017 u/S 5 of Limitation Act r/w Section 151 CPC
moved by defendant no.4 seeking condonation of delay in filing
the written statement

It is stated in the application that there is delay of 55 days, which took place in view of the fact that learned counsel for defendant no.4 was in the process of shifting his office and due to which the case file was misplaced. Application is supported with the affidavit of learned counsel for defendant no.4. On the other hand, learned counsel for plaintiff submits that the delay infact is about 100 days and same has been wrongly mentioned in the application. Be that it may. Since the application is supported with the affidavit of learned counsel for defendant no.4, there is no reason to doubt the

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same. Accordingly in the interest of justice, the captioned IA stands allowed and the delay, if any, stands condoned, subject to payment of cost of Rs.5000/- by defendant no.4 to plaintiff.

IA stands disposed of.

CS (OS) 35/2017

Replication to the written statement of defendant no.4 has already been filed by plaintiff.

Pleadings qua other defendants i.e. defendant no.1 to 3 are already complete. Cost has already been paid by defendant no.3 to plaintiff.

Let parties of both sides to file their respective affidavits qua admission/denial of documents of each other within four weeks, with copies thereof exchanged.

Re-notify the matter for admission/denial of documents on 30.01.2018.

**SANJEEV AGGARWAL (DHJS)
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 25, 2017/ab