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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 220/2019

M/S. SOLOMAN ENGINEERS PVT. LTD.

..... Plaintiff

Through: Mr. Umesh Mishra, Adv
(9868401295)(asvssociate@hotmail.com)

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Defendants

Through: Ms. Manika Tripathy, Standing Counsel
with Mr. Ashutosh Kaushik, Adv for
D1/DDA (9711070545)
(ashutoshkaushik123@gmail.com)

CORAM:

MS. VANDANA JAIN (DHJS) JOINT REGISTRAR(JUDICIAL)

ORDER

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08.12.2022

IA No. 6180/2019 (U/O 39 Rule 1&2 CPC filed by plaintiff)

Reply not filed by defendant.

IA No. 3165/2022(U/O 39 Rule 1&2 CPC filed by D-4)

Reply filed by plaintiff. Rejoinder not filed. Learned counsel for defendant No.1 submits that she had already filed the rejoinder on 06.09.2022. However, same is not found on record.

CS(COMM) 220/2019

Pleadings qua D2 & 4 are complete.

D-3,5&7 are already proceeded ex-parte vide order dated 14.10.2019.



Matter is listed for consideration of written statement filed by D1.

Learned counsel for D1 submits that she be given an opportunity to move an appropriate application in this regard.

Learned counsel for plaintiff has vehemently opposed the same and has brought my attention to para No.13 of order dated 14.10.2019 wherein D1 was granted time to file the written statement only till 21.10.2019, with a pre-emptive order of closure of right to file written statement automatically, if not filed till 21.10.2019.

Learned counsel for plaintiff further submits that there is no discretion left to give an opportunity to take any steps towards placing the written statement on record.

I have heard the submissions of learned counsel for parties and have perused the record carefully.

Para No. 13 is very clear. Admittedly, written statement was filed by D-1 on 22.10.2019.

In view of Hon'ble Court's order dated 14.10.2019, right to file the written statement of D1 stood automatically closed when written statement was not filed till 21.10.2019. Hence, written statement alongwith affidavit of admission/denial filed by D1 is taken off the record.

Joint Document Schedule in terms of Rule 7 A of Chapter VII of The Delhi High Court (Original Side) Rules, 2018 be filed physically by plaintiffs after getting it signed from defendants.

Documents, if e-filed be filed physically by parties so as to mark the exhibits.



Put up for marking of exhibits to the documents on 23.03.2023.

VANDANA JAIN (DHJS)
JOINT REGISTRAR(JUDICIAL)

DECEMBER 8, 2022
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