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

+ CS(OS) 191/2020; I.A. No.6086/2020 (by plaintiff u/O XXXIX Rules 1 and 2 of CPC); I.A. No.9135/2020 (by defendant no.2 u/O VII Rule 11(d) of CPC) & I.A. No.9136/2020 (by defendant no.1 u/O VII Rule 11 of CPC).

SHARAD KUMAR RASTOGI

.....Plaintiff

Through: Mr. Karan Jain, Advocate for Ms. Karishma Rastogi, LR of plaintiff (through VC).

versus

KAUSHAL RASTOGI & ORS.

.....Defendant

Through: Mr. Deeptakirti Verma, Adv. with Ms. Neha Verma, Adv. for D-1 & D- 2/counter-claimant (E-mail ID: verma.deep@gmail.com and Mob. No. 9811118333)

None for D-3.

CORAM:

JOINT REGISTRAR (JUDICIAL) SH. DEVENDER KUMAR GARG (DHJS)

ORDER

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11.03.2024

Proceedings are being conducted through hybrid mode.

I.A. No.5615/2024 (by defendant no.1 u/O VIII Rule 1 r/w Section 151 of CPC and Chapter VII Rule 4 of the Delhi High Court (Original Side) Rules, 2018 seeking extension of time in filing written statement to counter-claim filed by defendant no.2)

1. Ld. Counsel for plaintiff submits that he has not received copy of the captioned IA as well as written statement to counter-claim filed on behalf of defendant no.1. Ld. Counsel for defendant no.1 submits that he has already



supplied the same, however, without going into any controversy, he will again supply the same within one week. Let the same be supplied accordingly. After that, the plaintiff may file reply to the captioned IA within four weeks and rejoinder thereto be filed within two weeks thereafter.

2. Ld. Counsel for defendant no.2/counter-claimant accepts notice of captioned IA and submits that he has no objection if the captioned IA is allowed.

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3. Perusal of record shows that separate written statements and affidavits of admission/denial and documents with list of documents were already filed on behalf of the defendants no.1 to 3.
4. No replication has been filed on behalf of plaintiff qua defendants no.1 to 3. However, separate affidavits of admission/denial of documents were already filed by the plaintiff qua defendants no.1 & 2.
5. No affidavit of admission/denial has been filed on behalf of plaintiff qua defendant no.3. Non-filing of affidavit of admission/denial by plaintiff qua defendant no.3 shall follow the consequences as per law.
6. Joint Document Schedule and hard copies of documents have also not been filed.
7. Let Joint Document Schedule including hard copy of the same be filed at least two weeks before the next date of hearing.
8. Both the parties shall file hard copies of their documents at least two weeks before next date of hearing.
9. Re-notify the present matter for affidavit of admission/



denial of documents and further proceedings on **06th August, 2024.**

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10. As per office noting, written statement to counter-claim was filed on behalf of defendant no.1. However, an application seeking condonation of delay in filing the same is pending for consideration.
11. Office noting shows that summons of the counter-claim have been served upon the defendant no.3.
12. No written statement has been filed on behalf of the respondent/plaintiff as well as defendant no.3. Let the same be filed as per law with advance copy to the opposite party, who may file replication thereto thereafter as per law.
13. Let the pleadings be completed as per law.
14. Re-notify the matter for completion of pleadings and further proceedings on **06th August, 2024.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MARCH 11, 2024/v

Click here to check corrigendum, if any