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

+ CS(OS) 191/2020, I.A. 41470/2024, I.A. 41471/2024, CC-01/2024

SHARAD KUMAR RASTOGI

.....Plaintiff

Through: None

versus

KAUSHAL RASTOGI & ORS.

.....Defendant

Through: Mr. Deeptakirti Verma, Adv. for D-1 and 2
M. 9811118333 verma.deep@gmail.com
(Through VC)
Mr. Utkarsh Sharma and Mr. Shubham
Sakhuja, Advs. for D-3 (Through VC)

CORAM:

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

ORDER

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22.10.2024

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

I.A. 41470/2024 (Application u/O XXXIX Rule 4 CPC filed by defendant no.2)

I.A. 41471/2024 (Application u/O XXXIX Rule 4 CPC filed by defendant no.1)

Notice of these IAs has already been issued by the Hon'ble Court on 07.10.2024. Reply has not been filed by plaintiff till date. None has appeared on behalf of plaintiff today.

Plaintiff is directed to file Reply within time granted by Hon'ble Court with advance copy to Ld. Counsel for defendants no. 1 and 2. Rejoinder, if any, may be filed thereafter.

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Plaintiff was directed to file Joint Document Schedule but till date Joint Document Schedule has not been filed.

Perusal of previous order reveals that last and final opportunity was granted to plaintiff for filing the Joint Document Schedule but plaintiff has not complied the order. Cost of Rs. 5000/- is imposed upon plaintiff for non-compliance of previous order, to be paid to defendants no. 1 and 2 on or before next date of hearing. Joint Document Schedule be filed by the plaintiff as last and final opportunity subject to abovesaid cost, within four weeks, after obtaining comments and signatures from Ld. counsels for defendants. **Parties are directed to file signed pleadings and hard copy of documents on record within four weeks with the Registry.**

Counter –Claim 01/2024

Written Statement to the counter claim has already been filed by defendant no.1 but Written Statement filed by plaintiff was lying under objections and objections have not been removed till date. Last and final opportunity is granted to plaintiff for removing the objections raised by the Registry within two weeks subject to cost of Rs. 5000/- to be paid by plaintiff to defendants no. 1 and 2, failing which right of plaintiff to file Written Statement to counter-claim will be closed on next date of hearing.

Defendant no.3 has not filed any Written Statement to the counter claim till date. Limitation period for filing Written Statement has expired, hence **right of defendant no.3 to file Written Statement to the counter claim stands closed.**

Be fixed for filing of Joint Document Schedule and for completion of pleadings in the IAs on 04.12.2024.

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

OCTOBER 22, 2024/sm

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