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

+ **CS (COMM) 640/2018 & I.A. No. 15063/2019**

SH. JASBINDER SINGH

..... Plaintiff

Through: Mr. O. P. Jatav, Adv.

versus

CENTRODORSTROY (INDIA) PVT. LTD. & OTHERS

..... Defendants

Through: Mr. Ankur Singhal, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

17.03.2023

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O.A. No. 127/2019

1. The present Appeal under Rule 5 of Chapter II of Delhi High Court (Original Side) Rules 2018 read with Section 151 of the Code of Civil Procedure ('CPC'), 1908 is directed against the order dated 19.08.2019 passed by the Joint Registrar (Judicial) whereby the defendants' application i.e. I.A. 5239/2019 (under Order VIII Rule 1 CPC read with Section 5 of the Limitation Act) seeking condonation of delay in filing the written statement, has been dismissed.

2. It is submitted by learned counsel for the defendants that the written statement in the matter was first filed on 30.08.2018 i.e. within the maximum permissible period of 120 days from the date of service of summons; although the application seeking condonation of delay came to be



filed on 07.01.2019.

3. After some hearing, it is agreed by respective counsel for the parties that the written statement filed on behalf of the defendants be taken on record, subject to costs of Rs.15,000/- to be paid by the defendant no.1 to the plaintiff. It is directed accordingly.

4. Let the aforesaid costs of Rs.15,000/- be paid to the plaintiff by the defendant no.1 within a period of one week from today. The present O.A. stands disposed of in the aforesaid terms.

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5. Replication to the written statement of defendants, on behalf of the plaintiff is also stated to have been filed; although the same is stated to be under objection.

6. Learned counsel for the plaintiff submits that he shall take steps to remove the objection/s and get the replication placed on record.

7. List before the concerned Joint Registrar (Judicial) for admission/denial of documents and preparation of joint document schedule on 19.04.2023.

SACHIN DATTA, J

MARCH 17, 2023/ssc