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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 342/2023**

AKSHAY KUMAR JAIN Plaintiff
Through: **Mr. Rajeshwer K. Gupta & Mr. Deepak Sharma, Advs.**

versus

SAROJ JAIN & ORS. Defendants
Through: **Mr. Siddharth Mittal, Mr. Abhijeet Varshney & Mr. Ujjwal, Advs.**

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. MANISH SHARMA, (DHJS)

% **ORDER**
24.01.2024

I.A.No.10438/2023 (under Order XXXIX Rule 1 & 2 CPC)

5. It is submitted that the captioned IA is coming up before the Hon'ble Court on 02/02/2024.

I.A.No.25047/2023 (under Order VIII Rule 1 r/w Section 151 CPC filed on behalf of defendants for condonation of delay in filing the written statement and affidavit of admission/denial of documents)

6. Perusal of record shows that written statement filed on behalf of the defendants has still not come on record.

7. Learned counsel for defendant submits that he has filed written statement vide diary no.2198741/23. However, the same has not come on record. Learned counsel for defendants seeks time to check it up with the Registry and have the same placed on record.



8. Learned counsel for plaintiff has opposed the request made by learned counsel for the defendants on the ground that the defendants are delaying the matter deliberately and requests for imposition of cost.
9. Heard. Record perused.
10. Since the defendants have not taken steps to bring the written statement on record despite opportunity granted on the last date of hearing, cost of Rs.1500/- is imposed upon the defendants to be paid to learned counsel for the plaintiff.

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11. Written statement has not been filed on behalf of the defendants till date.
12. An application seeking condonation of delay in filing the written statement filed on behalf of the defendants is pending consideration.
13. Let the pleadings be completed as per law.
14. Learned counsels for the parties submit that the matter may be placed before the Hon'ble Court on the date already fixed i.e. 02/02/2024 and they will make appropriate submissions before the Hon'ble Court.
15. At joint request, list the matter before the Hon'ble Court for further directions on the date already fixed i.e. **02nd February, 2024.**

MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 24, 2024/nk
Click here to check corrigendum, if any