



\$~2

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

+ **CS(OS) 389/2023**

BSES RAJDHANI POWER LTD. & ANR.Plaintiffs

Through: **Mr. Anupam Varma and Mr. Nikhil
Sharma, Advs. for P-1 & 2**

versus

MR. DAL CHAND KAPIL @ DC KAPIL & ORS.Defendant

Through: **None for D-1
Mr. S.Z. Rajak Ahmad, P.S.
Chitranjan Park
Mr.Sandeep Tyagi, SPC for D-3**

CORAM:

DR. JAGMINDER SINGH (DHJS) JOINT REGISTRAR (JUDICIAL)

ORDER

% 28.11.2025

**I.A. 23787/2023 (by defendant no. 1 for condonation of delay of 29 days
in filing written statement)**

1. Reply already filed on behalf of the plaintiff. Today, no one is appearing for defendant no. 1. In view of the previous ordersheet, no further opportunity is granted to defendant no. 1 to appear or to argue. Therefore, the application is decided on merit.
2. As per the applicant, there is delay of 29 days in filing the written statement. However, as per learned counsel for plaintiff, the delay of 62 days in filing written statement. Therefore, admittedly the written statement has not been filed within the statutory period of 30 days but has been filed within the extendable period of 120 days.
3. Keeping in view the entire facts and circumstances, the delay in filing



written statement on behalf of defendant no. 1 stands condoned, subject to cost of Rs. 15,000/- to be given to opposite party.

4. The captioned I.A. stands allowed and **disposed of** accordingly.
5. The written statement filed by defendant no. 1 is taken on record.

I.A. 11637/2023 (by plaintiff u/S 151 CPC for exemption from complying Section 80 CPC)

6. Reply already filed on behalf of defendant no. 3. No rejoinder is to be filed. Therefore, pleadings are complete.
7. No reply has been filed by other defendants. Their right to file reply stands closed.

I.A. 11635/2023 (u/O 39 R 1 & 2 CPC),

I.A. 11636/2023 (by plaintiff u/O 2 R 2 CPC),

I.A. 12189/2023 (by plaintiff no. 1 & 2 u/O 7 R 14 CPC to place on record additional document)&

I.A. 12190/2023 (by plaintiff u/O 39 R 1 & 2 CPC),

I.A. 14329/2023(by plaintiff u/O 39 R 2A against defendant no. 1),

I.A. 14330/2023 (by plaintiff u/O 39 R 1 & 2 CPC),

I.A. 18201/2023 (by defendant u/S 151 CPC for direction) &

I.A. 22073/2023 (by plaintiff no. 1 u/O 39 R 1 & 2 CPC)

8. No reply has been filed on behalf of the defendants.
9. Learned counsel for defendant no. 3 submitted that he is having no role qua the captioned I.As.
10. In view of previous ordersheet, right of defendants no. 1 & 2 to file reply stands closed.



CS(OS) 389/2023

11. At joint request, list the matter before the Hon'ble Court for further directions on 02.12.2025.

**DR. JAGMINDER SINGH (DHJS)
JOINT REGISTRAR (JUDICIAL)**

NOVEMBER 28, 2025/tp