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

+ **CS(OS) 402/2021**

MRS SAKSHI BANGA

..... Plaintiff

Through: Mr. Natwar Rai, Ms. Aliya Parveen, Advs.

versus

MR SHIVANG KATHPALIA & ANR.

..... Defendant

Through: Mr. Udaibir Singh Kochar, Ms. Surbhi
Tandon, Advs. for D-1 & 2.

CORAM:

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

ORDER

% **20.02.2024**

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

As per Order dated 23.01.2024 of the Hon'ble Court, application u/O VI Rule 17 CPC filed by plaintiff has been allowed and Amended Complaint has been taken on record subject to cost of Rs. 5000/-. Plaintiff undertakes to pay cost to the defendant within one week.

Ld. Counsel for defendant has stated that he does not wish to file Amended Written Statement to the Amended complaint as it is not required and his previous Written Statement may be considered as Written Statement to the Amended Complaint.

CS(OS) 402/2021

Page 1 of 2



The case has been sent by the Hon'ble Court to this Court for Admission/denial. Ld. Counsel for defendant has objected that the Replication filed by plaintiff in June 2022 was highly belated as the Written Statement alongwith affidavit of admission/denial had been filed by defendants on 14.01.2022 and the replication should not be taken on record and the documents filed with Written Statement of defendants should be deemed to be admitted by plaintiff as per provisions of Delhi High Court (Original Side) Rules, 2018.

On the other hand, Ld. Counsel for plaintiff has objected that copy of Written Statement was not supplied to him due to which delay was caused in filing replication and he seeks some time for addressing arguments on the above said objections raised by Ld. Counsel for defendant.

Be fixed for further hearing on the abovesaid point on 08.05.2024.

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

FEBRUARY 20, 2024/SM