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

+ CS(OS) 400/2024, I.A. 11018/2024, I.A. 41381/2024

I.A. 46295/2024

MANAK CHAND TYAGI

.....Plaintiff

Through: Mr. Raghav Awasthi, Mr. Mukesh Sharma,
Advs.

versus

VIJAY LAXMI TYAGI & ORS.

.....Defendant

Through: Mr. Praveen Mishra, Mr. Sanat Pandey,
Advs. for D-1,2 and 4.
Mr. Rajesh Kumar, Adv. for D-3 (Through
VC)
Ms. Ashima Chopra of Ms. Aakanksha
Kaul, Adv. for D-5 (Through VC)

CORAM:

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

ORDER

% **10.02.2025**

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

As per record, Written Statement of defendant no.3 is on record.
Plaintiff has filed replication to the Written Statement of defendant no.3.

Pleadings are complete qua defendant no.3.



Perusal of PDF record further reveals that Replication of plaintiff to Written Statement of defendant no.1 and 2 is on record but Written Statement of defendant no. 1 and 2 is not on record.

Ld. Counsel for defendant no. 1,2 and 4 has stated that he had filed joint Written Statement on behalf of defendant no. 1 and 2 and he has also filed Written Statement on behalf of defendant no.3 in October 2024. However, Perusal of file noting reveals that Written Statement of defendants no. 1,2,4,5 and 6 are lying under objections till date. The Written Statement of defendants no. 5 and 6 is subject to IA 41381/2024.

Defendant no. 1,2 and 4 are directed to file application for condonation of delay within one week with advance copy to Ld. Counsel for plaintiff. The application shall be considered on merits.

I.A. 11018/2024 (Application u/O XXXIX Rule 1 and 2 CPC filed by plaintiff)

Reply has not been filed by any of the defendants till date. At request, last opportunity is granted to defendants for filing Reply within two weeks with advance copy to the opposite party. Rejoinder if any may be filed thereafter.

I.A. 41381/2024 (under Section 5 Limitation Act filed by D-5 and 6)

Notice accepted. Copy supplied.

Arguments heard. Ld. Counsel for plaintiff has stated that long delay has been caused in filing Written Statement and defendant no. 5 and 6 should be subjected to cost for causing delay in the case.



On the other hand, Ld. Legal Aid Counsel for defendant no. 5 and 6 has stated that delay has been caused as the matter was referred to Ld. Secretary, Delhi High Court Legal Services Committee vide order of this Court dated 26.07.2024 and thereafter, Legal Aid Counsel was appointed and time was taken in preparing Written Statement but the delay is neither intentional nor deliberate.

Keeping in view the abovestated facts and circumstances, the application stands allowed and delay in filing Written Statement is condoned. Written Statement filed by defendant no. 5 and 6 is taken on record subject to removal of any other objections raised by the Registry within one week. **I.A. stands disposed off.** Replication is already on record.

I.A. 46295/2024 (under Order VII Rules 14 read with Section 151 CPC)

Last opportunity is granted to defendants for filing Reply to this IA within three weeks with advance copy to Ld. Counsel for plaintiff by way of e-mail. Rejoinder if any may be filed thereafter.

Be fixed for completion of pleadings on 27.03.2025.

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

FEBRUARY 10, 2025/sm