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

+ **CS(OS) 436/2021**

KAVITA JAIN

..... Plaintiff

Through: Mr. Rajat Joseph ad Mr. Sreelakshmi
Menon, Advocates appeared
physically

versus

MOHIT SINGHAL & ANR.

..... Defendants

Through: Mr. Karan S. Thukral and Mr.
Gautam Malik, Advocates for
Defendant no.1 appeared physically

CORAM:

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

ORDER

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31.05.2022

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

**IA No. 3774/2022 (application filed by defendant no.1 u/OVIII Rule 1
CPC)**

Learned counsel for defendant no.1 has stated that delay of 60 days was caused in filing written statement by defendant no.1, as defendant no.1 is resident of USA and during COVID-19 Pandemic period, he could not engaged attorney for proper attestation of documents for preparing written statement and he could not visit India due to restrictions of COVID-19 Pandemic.

Learned counsel for the plaintiff has stated that he has no objection if the present application is allowed.

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Heard. In view of the above submissions, the present application is allowed and delay in filing written statement is condoned. Written statement of defendant no.1 is taken on record.

IA stands disposed off.

IA No. 11813/2021 (u/O 39 Rules 1 and 2 CPC)

Rejoinder not filed.

Let rejoinder be filed as per law with advance copy to the opposite parties.

IA No. 11814/2021 (application filed by the plaintiff u/O II Rule 2 CPC)

Rejoinder not filed.

Let rejoinder be filed as per law with advance copy to the opposite parties.

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As per file noting, documents of defendant no.1 have come on record, but affidavit of admission/denial is lying under objections and it has not been re-filed. Learned counsel for defendant no.1 is directed to remove the objections within one week so that it comes on record.

Learned counsel for the plaintiff has stated that he has filed replication vide Dy. No. 952419 alongwith affidavit of admission/denial on 24.05.2022. However, the said dak is lying under objections. Learned counsel for the plaintiff is directed to remove the objections within one week. Certain documents have been e-filed by the plaintiff and learned counsel or the plaintiff has stated that he has filed application for taking on record the said documents vide Dy. No. 952578 dated 23.05.2022. However, the said application has not come on record.



At request of learned counsel for defendant no.1, hard copy of the application and replication alongwith affidavit of admission/denial be supplied to learned counsel for defendant no.1.

At request of learned counsel for the plaintiff, legible copies of documents of defendant no.1 be supplied again to learned counsel for the plaintiff.

Learned counsels for the parties have stated that defendant no.2 is father of parties and he is suffering from Dementia and is in old age home, Greater Noida.

Learned counsel for defendant no.1 undertakes to file application for proper representation of defendant no.2 before the next date of hearing.

Both the parties are directed to file Joint Documents Schedule atleast one week before the next date of hearing.

Both the parties are directed to file original signed pleadings and hard copies of the documents on record atleast one week before the next date of hearing. Both the parties are directed to appear in person alongwith original documents for marking of exhibits on the documents on the next date of hearing. The concerned official is directed to complete the file in all respects before the next date of hearing.

Put up for completion of pleadings and marking of exhibits on the documents on 21st September, 2022 at 12:00 (Noon).

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

MAY 31, 2022

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