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

+ **CS(OS) 441/2023**

SH. SUBHASH CHANDRA JARODIA

.....Plaintiff

Through: Mr. Vikramjeet Singh Ranga, Adv.
for plaintiff with plaintiff in person

versus

SH. VIJAYINDER KUMAR & ORS.

.....Defendant

Through: Mr. Chirag Gautam, Adv. for D-1
(through VC).

Mr. Piyush Tiwari, Adv. with Mr.
Himanshu Sachdeva, Adv. for D-4.

None for D-3 despite service.

D-2 is yet to be served.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)**

O R D E R

11.03.2024

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Proceedings are being conducted through hybrid mode.

**CS(OS) 441/2023 & I.A. No. 13786/2023 (by plaintiff u/O
XXXIX Rules 1 & 2 r/w Section 151 of CPC)**

1. It is submitted that the matter is coming up for hearing before the Hon'ble Court on 21.08.2024.
2. In view of the service report, summons issued to the defendant no.2 on both addresses through ordinary mode received back unserved with report that she does not reside at the said addresses.
3. Perusal of record shows that written statement alongwith affidavit of admission/denial and documents with list of



documents were already filed on behalf of the defendant no.1.

4. As per office noting, replication alongwith affidavit of admission/denial of documents were filed on behalf of the plaintiff qua defendant no.1.
5. Ld. Counsel for plaintiff has submitted that he has not received legible copy of page no.12 i.e. appointment letter filed by defendant no.1 in terms of the previous order. Ld. Counsel for defendant no.1 submits that he will supply the same within one week. Let same be supplied accordingly.
6. Ld. Counsel for defendant no.4 submits that he has filed written statement alongwith application for condonation of delay in filing the same. However, the same has not come on record. Let appropriate steps be taken as per law.
7. Reply to the captioned IA was already filed on behalf of defendant no.1. Ld. Counsel for plaintiff submits that he does not wish to file rejoinder to the said reply.
8. Ld. Counsel for defendant no.4 submits that he does not wish to file any reply to the captioned IA.
9. No written statement, reply to captioned IA and affidavit of admission/denial of documents has been filed by the defendant no.3.
10. Ld. Counsel for plaintiff has submitted that statutory period for filing written statement by defendant no.3 has already expired and hence, right of defendant no.3 to file the same may be closed.
11. Heard. Perusal of record shows that vide order dated 17.10.2023, defendant no.3 was served and directed to



file written statement and affidavit of admission/denial of documents as per law, however, the same has not been filed till date. The statutory period for filing written statement by the defendant no.3 has already expired. The defendant no.3 has also failed to file reply to captioned IA despite giving sufficient opportunities. In the present facts, right of defendant no.3 to file written statement, affidavit of admission/denial of documents and reply to the captioned IA stands closed.

12. At request, issue fresh summons of suit and notice of the captioned IA to defendant no.2 through all permissible modes for next date of hearing.
13. Re-notify the present matter for completion of service, completion of pleadings and further proceedings on **17th May, 2024.**

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)

MARCH 11, 2024/v

Click here to check corrigendum, if any