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

+ **CS(OS) 406/2024**

SAKSHI KHARBANDA & ANR.

.....Plaintiff

Through: Ms. Alka Dwivedi, Adv. Proxy
for Mr. Rajat Aneja, Adv.

versus

ALKA ARORA ALIAS RITA SETHI & ANR.

.....Defendant

Through: Mr. Jatin Chaudhary, Mr. Nitin
Gupta & Mr. Karan Bidhuri,
Advs. with D-2 in person.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)**

ORDER

11.12.2024

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**I.A.NO. 42678/2024 (under Section 5 of the Limitation
Act seeking condonation of delay of 40 days in filing the
written statement)**

1. As per office note, reply to the captioned IA filed on behalf of plaintiff has been returned under.
2. Arguments heard. Record perused.
3. Perusal of record shows that the defendants were served with the summons of the suit in the present suit on 03/07/2024 and filed the written statement for the first time on 10/09/2024, which was returned under objection. Thereafter, the defendants preferred to file the captioned IA for condonation of delay in filing the written statement. In view of the averments made in the captioned IA, it is clear that though the defendants failed to file the written



statement within the stipulated period but file the same within the extended period of 120 days as it is averred in the application that there was a delay in filing the written statement as defendant nos.1 & 2 and their son were going through lot of medical issues due to which they were unable to contact their counsel.

4. In view of the above facts and circumstances, the captioned IA is allowed subject to cost of Rs.2,000/- to be paid to learned counsel for the plaintiff. Delay in filing written statement by the defendants is condoned and the same is taken on record. Defendants are directed to take appropriate steps for placing the written statement of the defendants on record.
5. IA stands disposed of.

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6. Learned counsel for plaintiff seeks time to file replication and affidavit of admission/denial of documents.
7. Let replication and affidavit of admission/denial of documents be filed by the plaintiff within four weeks with advance copy to the opposite side.
8. Re-notify the matter for completion of pleadings and admission/denial of documents on **17th March, 2025**.

MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)
DECEMBER 11, 2024/nk
Click here to check corrigendum, if any