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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 419/2024**

SUNITA KUMARI & ANR.

..... Plaintiff

Through: Mr. Joydeep Sarma, Mr. Rajiv
Tiwari & Mr. Kaushal Kapoor,
Advts. (Mobile No.8887653137)

versus

DEEPA RANI & ORS.

..... Defendant

Through: Mr. Nagender Dewal, Adv. for
D-1 & 3
None for D-2

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)

% **ORDER**
03.04.2025

I.A.No.4350/2025 (under Section 151 r/w Order VIII
Rule 1 CPC filed on behalf of defendant no.1 & 3
seeking condonation of delay in filing the written
statement)

1. As per office note, reply to the captioned IA has not been filed.
2. Learned counsel for plaintiff submits that he does not wish to file reply and will straightaway argue the same. He opposes the captioned IA.
3. It is averred in the captioned IA that summons of the suit were not issued to the defendants as PF filed by the plaintiff was returned under objection but learned counsel for the defendant nos.1 & 3 had appeared



before the Court on 25/07/2025 and submitted that he has not received copy of the paper book. It is further averred that learned counsel for the plaintiff had supplied copy of the paper book on 07/08/2024 and thereafter the defendant nos.1 & 3 filed written statement on 02/11/2024, which was returned under objection. It is averred that the defendant no.1 is a housewife and not able to move or contact her counsel in absence of her son, who is defendant no.3 and due to this reason, they could not hand over the documents to their counsel for preparation of written statement. It is further averred that time for filing written statement by defendant no.1 & 3 commenced from 08/08/2024 as the plaintiff supplied copy of the paper book on 07/08/2024 only. It is submitted that due to the aforesaid reasons, written statement could not be filed within stipulated period and prayed for condonation of delay in filing the written statement.

4. Arguments heard. Record perused.
5. Perusal of record shows that summons in the present suit could not be issued to the defendants as PF filed by the plaintiff returned under objection and learned counsel for defendant nos.1 & 3 had appeared on 25/07/2024 and informed that he has not received copy of the pleadings to which learned counsel for the plaintiff undertook to supply the same within a week. It is an admitted fact that the written statement could not be filed within stipulated period, however the defendant nos.1 & 3 have filed their written statement within the extended period of 90 days. The defendant nos.1 & 3



have furnished cogent reasons for the delay. In view of the aforesaid, the captioned IA is allowed. Delay in filing written statement and affidavit of admission/denial of documents by defendant nos.1 & 3 is condoned.

6. Written statement and affidavit of admission/denial of documents filed on behalf of defendant no.1 & 3 have been returned under objection. Learned counsel for defendant no.1 & 3 is requested to check it up with the Registry and have the same placed on record
7. IA stands disposed of.

CS(OS) 419/2024 & I.A.No.29585/2024 (under Order XXXIX Rule 1 & 2 CPC)

8. As per office note, written statement and affidavit of admission/denial of documents filed on behalf of defendant no.1 & 3 have been returned under objection. Learned counsel for defendant no.1 & 3 is requested to check it up with the Registry and have the same placed on record.
9. Defendant no.2 has not filed written statement till date.
10. Plaintiff is directed to file replication and affidavit of admission/denial of the documents qua the defendant no.1 within four weeks with advance copy to the opposite side.
11. 'Joint Document Schedule' in terms of Rule 7A Chapter VII of Delhi High Court (Original Side) Rules, 2018 be filed at least a week prior to the next date. A hard copy of the Joint Document Schedule, in addition to e-filing, be also filed.



12.Re-notify the matter for completion of pleadings and admission/denial of documents on **15th July, 2025.**

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

APRIL 3, 2025/nk

Click here to check corrigendum, if any