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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 453/2021

MR. SAHIL VIRMANI & ANR.

.....Plaintiffs

Through: Mr. Aditya Nayyar, Adv. (joined
through VC)

Versus

MR. KARAN GAMBHIR & ORS.

.....Defendants

Through: Mr. Sajal Manchanda, Adv. for
D-4 (Email:
manchanda.sajal@gmail.com)
(joined through VC)

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% **16.07.2024**

CS(OS) 453/2021

1. As per office note, Written Statement filed by defendant no.1 vide diary no.1607044/2023 is still under objections. The e-filing log has been received from the registry in respect of Written Statement filed by defendant no.1. It clearly shows that the defendant no.1 is not diligently pursuing the Written Statement as even though it was filed on 02.09.2023, it is still under objections.
2. Learned counsel for the plaintiff submits that despite directions, the defendant no.1 has also not supplied copy of Written Statement to him till date.
3. Heard and record perused. On the last date of hearing i.e. 02.04.2024, the last and final opportunity was granted to the defendant no.1 for removing objections and for placing on record the Written Statement within two weeks subject to cost of Rs.5000/- to be deposited with



Delhi High Court Legal Services Committee. Despite the same, objections have not been removed by defendant no.1 and Written Statement has not been re-filed by the defendant no.1. The cost has also not been deposited by the defendant no.1. None is present on behalf of defendant no.1 today to explain in this regard. In these circumstances, the right of defendant no.1 to file Written Statement is ordered to be forfeited.

4. The order dated 17.11.2023 records that defendant no.2 has been served by way of ordinary mode on 06.10.2023. However, till date no Written Statement has been filed by defendant no.2 even none is present on behalf of said defendant today to explain in this regard. So, the right of defendant no.2 is also ordered to be forfeited.

5. As per office note, PF filed by the plaintiff qua service of defendant no.3 is lying under objections.

5.1. As per the said order dated 17.11.2023, defendant no.3 has remained unserved by way of ordinary mode as well as speed post with report “insufficient address”. However, till date despite repeated opportunities, the plaintiff has not placed on record the fresh address of defendant no.3. At request, fresh address, if any, of defendant no.3 be filed by the plaintiff. Thereafter, fresh summons of the suit be issued to defendant no.3 on the fresh address, if any, by all permissible modes on taking steps by the plaintiff, returnable for next date of hearing. At request, the process be given *dasti* in addition. The requisite steps be taken by the plaintiff for service within three weeks.



Re-notify the matter for completion of service qua
defendant no.3/further proceedings on 20.09.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)

JULY 16, 2024/ab

[Click here to check corrigendum, if any](#)