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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 475/2023

VIRENDRA SAHLOT

..... Plaintiff

Through: Mr. Satya Sabharwal & Mr.
Shreyus Shankar Joshi, Advs.
(joined through VC)

versus

MS PRITI SURI & ORS.

..... Defendants

Through: Ms. Meenakshi Joshi, Adv. for
D-1&2 (Mob.9871494890)
Mr. Vikas Jain, Adv. for D-3&4
Mr. Neeraj Grover, Adv. (joined
through VC) and Ms. Sunidhi
Gupta & Ms. Ayushi Chandra,
Advs. (physically) for D-5 to 9
Mr. S. C. Rana, Adv. for D-10
(Mob.8826578945)
Mr. Anish Dhingra & Mr. Nakul
Ahuja, Advs. for D-12/DDA

CORAM:

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

ORDER

% **21.02.2024**

CS(OS) 475/2023

1. Written Statement alongwith Affidavit of Admission/Denial of the documents filed by the defendant no.1&2 was taken on record vide order dated 24.01.2024. It is stated by learned counsel for the plaintiff that he will file Replication to the same within the stipulated period of time. Needless to say, Replication, if any, filed by the plaintiff to the Written Statement of defendnat no.1&2 shall be made part of the record as per law.
2. The right of the defendant no.3&4 to file Written Statement has already been ordered to be closed.
3. Vide order dated 09.11.2023, Written Statement alongwith Affidavit of Admission/Denial of the documents filed by the defendant no.5 to 9 were taken on record. As



per record, defendant no.5 to 9 have also filed documents alongwith Written Statement.

3.1 Vide order dated 22.12.2023, Written Statement alongwith Affidavit of Admission/Denial of the documents filed by the defendant no.12 was taken on record.

3.2 However, till date, Replication alongwith Affidavit of Admission/Denial of the documents qua defendant no.5 to 9 and Replication to the Written Statement of defendant no.12 has not been filed by the plaintiff.

4. Learned counsel for the plaintiff again seeks some time to file the same. The same is strongly opposed by learned respective counsels for the defendant no.5 to 9 and defendant no.12. They rely on the judgment in ***“Ram Swarup Lugani & Anr. Vs. Nirmal Lugani & Ors.”***, 2020 SCC OnLine Del 1353, to contend that the right of the plaintiff to file Replication alongwith Affidavit of Admission/Denial of the documents qua defendant no.5 to 9 and Replication to the Written Statement of defendant no.12 may be closed.

5. I have carefully considered the submission made by learned counsels for the parties. Chapter VII Rule 5 of Delhi High Court (Original Side) Rules categorically provides that the Replication is to be filed within 30 days of receipt of Written Statement, which is further extendable by a period not exceeding 15 days. In the judgement of ***“Ram Swarup Lugani (supra)***, the Hon'ble High Court of Delhi clearly held that the aforesaid time period is sacrosanct and cannot be extended by the court. The plaintiff has failed to file Replication and Affidavit of Admission/Denial of the documents within the time



permissible by law.

In view of aforesaid settled proposition of law, the right of the plaintiff to file Replication alongwith Affidavit of Admission/Denial of the documents qua defendant no.5 to 9 and Replication to the Written Statement of defendant no.12 is ordered to be closed.

6. The plaintiff has not taken requisite steps for service of defendant no.10&11.

6.1 At this stage, learned counsel for the defendant no.10 is present and accepts notice of the captioned suit. He submits that he has not received complete paper book. So, the plaintiff is directed to supply the same within one week. Thereafter, the defendant no.10 is directed to file Written Statement alongwith Affidavit of Admission/Denial of the documents within statutory period with copy to the opposite side.

7. At request, fresh summons of the suit be issued to defendant no.11 by all permissible modes on taking steps by the plaintiff, returnable for the next date of hearing.

Re-notify the matter for completion of service qua defendant no.11/pleadings and for further proceedings on the next date of hearing.

IA No. 14906/2023 (Stay) moved by the plaintiff

Learned counsel for the defendant no.1&2 submits that she does not wish to file any reply to the captioned IA.

At request, reply, if any, to the captioned IA be filed by the defendant no.3&4 within two weeks as a last and final opportunity with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.



As per record, reply to the captioned IA only filed by defendnat no.5 to 9 is already on record. At request, rejoinder, if any, be filed by the plaintiff within two weeks as a last and final opportunity with copy to the opposite side.

Learned counsel for the defendnat no.10 accepts notice of the captioned IA and submits that he does not wish to file any reply to the captioned IA.

At request, fresh notice of the captioned IA be issued to the defendnat no.11 by all permissible modes on taking steps by the applicant/plaintiff, returnable for the next date of hearing.

Learned counsel for the defendnat no.12 seeks some more time to file reply. At request, reply, if any, to the captioned IA be filed by the defendant no.12 within two weeks as a last and final opportunity with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

Re-notify the captioned IA for completion of service qua defendnat no.11/pleadings on the next date of hearing.

IA No. 14909/2023 (under Section 80(2) of CPC moved by the plaintiff for exemption from serving notice to D-11 and D-12)

Learned respective counsels for the defendant no.1&2 and defendant no.5 to 9 already submitted that they do not wish to file any reply to the captioned IA.

The right of the defendant no.3&4 to file reply has already been ordered to be closed.

Learned counsel for the defendnat no.10 accepts notice of the captioned IA and submits that he does not wish to file any reply to the captioned IA.



As per record, reply to the captioned IA filed by the defendant no.12 is on record. It is stated by learned counsel for the plaintiff submits that he does not wish to file any rejoinder to the same. **Thus, pleadings qua defendnat no.12 are complete.**

The plaintiff has not taken steps for issuance of notice and service of the captioned IA upon the defendant no.11. At request, fresh notice of the captioned IA be issued to the defendnat no.11 by all permissible modes on taking steps by the applicant/plaintiff, returnable for 24.04.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY21, 2024/ab

Click here to check corrigendum, if any