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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 432/2024

INDERJIT KAUR

.....Plaintiff

Through: Mr. Raghav Sabharwal, Ms.
Sakshi Jain & Mr. Harsh Singh,
Adv.

versus

JAGMOHAN SINGH KATARIA & ORS.

.....Defendants

Through: Ms. Shobhana Takiar, Adv.
(joined through VC) with Mr.
Kuljeet Singh, Adv. (physically)
for D-1&2
Mr. Sankalp Malik, Mr. Sanjay
Malik & Ms. Vartika Malik,
Adv. for D-3 (joined through
VC)

CORAM:

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

ORDER

% **18.10.2024**

CS(OS) 432/2024

1. As per office note, Written Statement alongwith Affidavit of Admission/Denial of the documents filed by defendant no.1&2 and Replication to the same filed by the plaintiff are on record.
2. However, the Affidavit of Admission/Denial of the documents filed by the defendant no.1&2 is not in accordance with the provisions of Rule 4 of Order XI of the Code, as applicable under the Commercial Courts Act. So, the defendant no.1&2 is directed to file fresh/proper Affidavit of Admission/Denial of the documents as per law within two weeks with copy to the opposite side.
3. At request, learned counsel for the plaintiff undertakes to supply copy of Replication again to learned counsel for the defendant no.1&2 through email within one



week. Let needful be done as stated.

4. Further, as per office note, service report qua summons issued to defendant no.3 through ordinary process is awaited, whereas defendant no.3 has been served through Speed Post.

5. At this stage, learned counsel for the defendant no.3 has joined the proceedings through VC and submits that he has filed Written Statement alongwith Affidavit of Admission/Denial of the documents yesterday alongwith an application seeking condonation of delay. However, as per office note, nothing is on record.

6. It is stated by learned counsel for the plaintiff that he has received copy of the same and that he has no objection, if delay in filing Written Statement alongwith Affidavit of Admission/Denial of the documents by defendant no.3 may be condoned. In view of no objection and at the oral request of learned counsel for learned counsel for the defendant no.3, the delay in filing Written Statement alongwith Affidavit of Admission/Denial of the documents is condoned and learned counsel for the defendant no.3 is directed to take requisite steps and to bring Written Statement alongwith Affidavit of Admission/Denial of the documents on record.

7. At request, the learned counsel for the defendant no.3 is directed to supply copy of Written Statement alongwith Affidavit of Admission/Denial of the documents to learned counsel for the defendant no.1&2 within one week through email. Let needful be done as stated.

8. The plaintiff is directed to file soft copy as well as physical copy of the Joint Schedule of the documents at



least two weeks before the next date of hearing.

9. The parties are also directed to file hard copy of the documents of which e-copy already filed on record, if not filed earlier, before the next date of hearing.

Re-notify the matter for completion of pleadings/further proceedings on the next date of hearing.

I.A. 30127/2024 under Order XXXIX Rules 1 & 2 read with section 151 of CPC moved by the plaintiff

10. At this stage, it is stated by learned counsel for the defendant no.1&2 that she does not wish to file any separate reply to the captioned IA and that the averments made in the Written Statement filed by her may be treated as reply to the captioned IA. It is ordered accordingly.

11. It is stated by learned counsel for the defendant no.3 that he does not wish to file any reply to the captioned IA.

12. Thus, pleadings are complete.

Re-notify the captioned IA on 23.01.2025.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 18, 2024/ab

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