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

+ **CS(OS) 372/2019**

SH. RAMESH KUMAR

..... Plaintiff

Through: Ms. Pooja, Adv.

versus

SH. KRISHAN LAL KAPOOR & ORS.

..... Defendant

Through: None for D-1 and D-3

Mr. Deepak Singh and Mr. Ankit

Kashyap, Adv. for LR of D-2

CORAM:

**MS. TWINKLE WADHWA (DHJS), JOINT REGISTRAR
(JUDICIAL)**

**Case received from the Court of Sh. Rajkumar Tripathi, J.R.
(Judl.) who is stated to be on leave today.**

ORDER

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24.01.2020

Defendant no. 4 had already expired at the time of filing of the suit as it is observed in the order sheet dated 26.09.2019.

No written statement filed on behalf of defendant no. 1 and 3 despite opportunities, hence right to file written statement is closed.

LRs of defendant no. 2 has filed written statement on record along with application for condonation of delay u/O 8 R 1 r/w section 151 CPC.

**IA no 1033/2020**

Argument heard on the present application filed u/O 8 R 1 r/w Section 151 CPC for condonation of delay in filing written statement.

Reply to present application not filed despite opportunity. It is submitted by Ld. Counsel for the defendant that she will file the same before the registry today itself. Since it is not filed on time, hence there is no ground for granting any further time for filing the same.

Hence argument heard on the present application.

It is submitted by Ld. Counsel for the plaintiff that it is mentioned in the plaint that there were four matters pending between the parties which are now disposed of. It had taken counsel sometime to obtain the relevant documents for the purpose of filing written statement, hence the delay has occurred. Further, it is submitted that written statement is filed within 90 days and there is delay of 56 days in filing the same.

It is submitted by Ld. Counsel for the plaintiff that due to delay in filing the written statement, the matter is further delayed. It is further submitted by Ld. Counsel for the plaintiff that application may be allowed but subject to some cost.

In the circumstances, application is allowed subject to cost of Rs. 4500/- to be paid to the plaintiff on the next date of hearing.

Hence, IA is disposed off.

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It is further directed to the counsel for the plaintiff that replication be filed within five days as it is submitted by counsel for the plaintiff that she



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has already sent advance copy to the opposite party.

Both the parties submit that they have already filed the affidavit of admission/denial on record. Registry to check the same.

Parties are directed to file the joint document schedule on record as per procedure before the next date of hearing.

Put up the matter for admission/denial of documents before the concerned JR on 07.02.2020, the date already fixed.

**TWINKLE WADHWA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 24, 2020/NR