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

+ **CS(OS) 372/2020 & I.A. 10449/2024**

SHRI VIJAY SETHI

..... Plaintiff

Through: None.

versus

SHRI ANIL SETHI & ORS.

..... Defendant

Through: Mr. Rishi Bhatnagar, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **08.05.2024**

1. This hearing has been done through hybrid mode.

I.A. 10449/2024 in CS(OS)-372/2020

2. This is an application filed on behalf of Defendant No. 2/Counter Claimant under Order VIII Rule 10 of the CPC, 1908 seeking closure of right of the Plaintiff to file written statement to the counter claim filed by the Defendant No. 2

3. It is stated that the Defendant No. 2 had filed a counter claim and subsequently, on 26th September, 2022 the Plaintiff accepted summons in the counter claim. Accordingly, the 30 days period of filing the written statement provided under Order VIII Rule 1 CPC, 1908 expired on 26th October, 2022. Further, the 90 days period for filing the written statement expired on 25th December, 2022 and consequently, the outer time limit of filing the written statement in response to the said counter claim expired on 24th January, 2023

4. The submission on behalf of the Defendant is that more than 500 days



have elapsed since the Plaintiff accepted summons to the counter claim and the limitation for filing the written statement is over.

5. Accordingly, let the reply to this application be filed within two weeks. Rejoinder, thereto, be filed within two weeks.

6. Issue notice through Counsel.

7. If the written statement to the counter claim is not filed, the consequences in law shall follow.

8. List before the Joint Registrar on 25th July, 2024 i.e., the date already fixed.

9. List before Court on 27th August, 2024.

PRATHIBA M. SINGH, J.

MAY 8, 2024

dj/rks