



\$~7

\*

+

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

**CS(OS) 500/2021**

**GAYATRI VARMA**

.....Plaintiff

Through: Mr. Vikrant N. Goyal, Adv. for  
P-1

Mr. Kuljeet Rawal & Mr. Aditya  
Joshi, Advs. for P-2

versus

**SUNITA MADHOK & ORS.**

.....Defendants

Through: (Appearance not given by D-1)  
(joined through VC)

**CORAM:**

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

**ORDER**

% **30.04.2025**

**CS(OS) 500/2021**

1. As per office note, Written Statement has not been re-filed by defendant no.1 till date. Further, the defendant no.1 has also not deposited the previous cost of Rs.3000/- with Delhi High Court Legal Services Committee. Learned counsel for defendant no.1 seeks one more opportunity to bring it on record. The same is strongly opposed by learned counsel for the plaintiff no.1, who has drawn my attention to order dated 09.08.2024. He has relied on the said order and submits that it is clear that the main object of defendant no.1 is to somehow delay the present proceedings. He further submits that already discretion has been exercised in favour of defendant no.1 by this court on number of occasions. Despite the same, the defendant no.1 has not taken requisite steps to bring Written Statement on record.

2. I have carefully heard the submissions and perused the records. Here it would be appropriate to reproduce para no.2 of my last order dated 07.02.2025:

*This is a digitally signed order.*

*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.*

*The Order is downloaded from the DHO Server on 08/05/2025 at 16:04:17*



***“2. Vide order dated 11.11.2024, the defendant no.1 was directed to take steps to bring Written Statement on record. However, till date, no steps have been taken by defendant no.1 for which no plausible explanation is furnished. So, cost of Rs.3000/- is imposed upon defendant no.1 to be deposited with Delhi High Court Legal Services Committee and the last and final opportunity is granted to defendant no.1 to take requisite steps within two weeks to bring the same on record as per law, failing which Written Statement of defendant no.1 shall not be taken on the record”***

3. The aforesaid order read in conjunction with the order dated 09.08.2024 clearly shows that ample opportunities have been given to defendant no.1 to bring her defence on record by filing proper Written Statement. Despite the same, no requisite steps have been taken by defendant no.1 to bring Written Statement on record for which no plausible explanation is furnished. So, the right of defendant no.1 to file Written Statement is ordered to be forfeited and Written Statement stated to have been filed by the defendant is ordered to be not taken on record.

4. Affidavit of Admission/Denial of the documents filed by defendant no.1 qua documents of plaintiff is on record. The documents filed by defendant no.1 are also on record.

5. Learned counsel for plaintiff no.1 submits that by way of abundant caution, he has filed Replication alongwith Affidavit of Admission/Denial of the documents qua defendant no.1 though Written Statement of defendant no.1 was not on record. He withdraws the replication in

view of order passed today.

6. Affidavit of Admission/Denial of the documents



filed by plaintiff no.2 to the documents of defendant no.1 is already on record.

7. It is stated by learned counsels for the plaintiffs that defendant no.2 already proceeded *ex-parte*.

8. Learned counsel for the plaintiff no.1 submits that he has already shared the draft of Joint Schedule of the documents with learned counsel for plaintiff no.2 and learned counsel for the defendant no.1. He submits that he has received the signed copy of Joint Schedule from learned counsel for the plaintiff no.2. However, he submits that he has not received either the signed copy of Joint Schedule of the documents or the inputs from learned counsel for the defendant no.1 till date. So, the learned counsel for the defendant no.1 is directed to either provide the signed copy or to give input to the draft of Joint Schedule of the documents to learned counsel for the plaintiff within two weeks from today, failing which learned counsel for plaintiff no.1 is at liberty to file Joint Schedule of the documents (soft copy as well as physical copy) without the signature of learned counsel for defendant no.1 before the next date of hearing.

9. Hard copy of the documents has not been filed by plaintiff no.1 and defendant no.1 till date. In the interest of justice, no adverse order is being passed today and the last and final opportunity is granted to both plaintiff no.1 and defendant no.1 to file the same within three weeks.

10. Learned counsel for the plaintiff no.2 submits that he has not filed any documents in the present matter.

11. The record reflects that defendant no.1 is not pursuing the present matter diligently. It is clarified that



any failure on the part of defendant no.1 in compliance of the aforesaid order, will entail imposition of exemplary cost.

12. Re-notify the matter for marking of exhibits to the documents on 20.08.2025.

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

**APRIL 30, 2025/ab**

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

*This is a digitally signed order.*

*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.*

*The Order is downloaded from the DHC Server on 08/05/2025 at 16:04:17*