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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 503/2021

MRS. SHOBHITA KATHPALIA Plaintiff

Through: Mr. Ekansh Gupta, Adv.

versus

MR. VIRINDER KUMAR MEHTA & ORS.

.....Defendants

Through: Mr. Anshuman Gupta, Adv. for
D-1 (Email:

asmglaw@gmail.com)

D-3 in person for himself and
POA of D-2 (Mob9818023754)
(joined through VC)

Mr. Manish Makhija & Ms.
Simran Makhija, Advs. for D-4
to 6 (Mob.9810043363)

Mr. Anshul Gupta, Adv. for D-7
(joined through VC)

Mr. Rahul Malhotra, Mr.
Rishabh Singh & Mr. Kaustubh
Punj, Advs. for D-8

Mr. Ankur Singhal, Adv. for D-9

CORAM:

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

ORDER

% **09.10.2024**

**IA No.41958/2024 under Section 151 CPC moved by
plaintiff seeking exemption from filing duly affidavit**

1. Heard. In view of reasons mentioned in the application, captioned IA stands allowed subject to all just exceptions. The plaintiff is directed to file proper Affidavit within six weeks. Accordingly, captioned IA stands disposed of.

**IA No.41959/2024 under Section 151 CPC moved by
the plaintiff seeking condonation of delay in filing
Replication to Written Statement of D-1**

2. Learned counsel for the defendant no.1 accepts notice and seeks sometime to file reply to the same. At request, reply to the captioned IA be filed by defendant



no.1 within three weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within three weeks thereafter with copy to the opposite side.

Re-notify the captioned IA for completion of pleadings on the next date of hearing.

IA 3265/2024 (Application u/S. 5 Limitation Act filed by defendant no. 1 for condonation of delay in filing Written Statement to the counter claim CC No. 21/2022)

IA 3268/2024 (Application u/S. 5 Limitation Act filed by defendant no. 1 for condonation of delay in filing reply to the application of plaintiff u/O XXXIX Rule 1 and 2 CPC i.e. IA 13619/2021)

3. It is stated by learned counsel for the applicant/defendant no.1 that he has deposited the previous cost of Rs.1000/- in Delhi High Court Legal Services Committee and will file proof of cost with the registry shortly. Let needful be done as stated. He also submits that he has supplied copy of captioned IAs to all the parties through email on 08.08.2024.

4. The defendant no.3, who is present in person for himself and POA on behalf of defendant no.2 seeks some time to file reply the captioned IAs. At request, reply to the captioned IAs be filed by defendant no.2&3 within two weeks 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.

5. Learned respective counsels for other defendants as well as the plaintiff submit that they do not wish to file any reply to the captioned IAs.

Re-notify the captioned IAs for completion of pleadings qua defendant no.2&3 on the next date of hearing.



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6. As per office note, mediation report has been received with remark 'not settled'.

7. As per record, amended Written Statement filed by defendant no.8 is on record.

8. The defendant no.1 has not complied with para no.4 of the last order dated 23.07.2024. So, cost of Rs.1000/- is imposed upon defendant no.1 to be deposited with Delhi High Court Legal Services Committee and now the last and final opportunity is granted to the defendant no.1 to comply the submission made by him in para no.4 on the last date of hearing i.e. 23.07.2024.

9. Similarly, the defendant no.8 is directed to comply para no.5 of the last order dated 23.07.2024 subject to imposition of cost of Rs.500/- upon defendant no.8 to be deposited with Delhi High Court Legal Services Committee, within one week/two weeks.

10. It is already stated by learned counsel for the defendant no.7 that he does not wish to file amended Written Statement and will rely on his previous Written Statement filed on behalf of defendant no.7.

11. At this stage, it is stated by learned counsel for the defendant no.9 that he does not wish to file any Written Statement.

12. The common amended Written Statement on behalf of defendant no.2&3 is already on record. Further, Written Statement to the Amended plaint filed by defendant no. 4 to 6 is also on record.

13. At this stage, it is stated by learned counsel for the plaintiff that he does not wish to file any Replication to



Written Statement of defendant no.2,3,4 to 6 and 7. **Thus, pleadings qua defendant no.2,3,4 to 6 & 7 are complete.**

14. It is stated by learned counsel for the plaintiff that he has received copy of amended Written Statement from defendant no.8 only on 12.09.2024 and seeks sometime to file Replication to the same. Let Replication to the same be filed by the plaintiff within stipulated period as prescribed by law with copy to the opposite side.

15. An application seeking condonation of delay in filing Replication to the Written Statement of defendant no.1 is pending consideration.

Re-notify the matter for completion of pleadings/further proceedings on 30.01.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
OCTOBER 9, 2024/ab
[Click here to check corrigendum, if any](#)