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*IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(OS) 413/2020

SHRI KAILASH NATH KHANNAPlaintiff

Through: Ld. Counsel for plaintiff
(Appearance not given)

versus

M/S APPLE BUILD HOMES LLP & ORS.Defendant

Through: Mr. Rajender Agarwal, Ms. Dipti
Aggarwal, Advs. for D-1 to 7 M.
9810651681.
Mr. Rajiv Nanda, Mr. Sanjeev Kr. Baliyan,
globallawyers287@gmail.com M.
9818340105.
Mr. Arpit Dudeja, Adv. for D-9(c)
Mr. Ambuj Tiwari and Adv, Arjun Nagrath,
Advs. for D-17 (Through VC)

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

% **04.11.2024**

Matter is taken up through physical hearing as well as video conferencing.

Perusal of file noting reveals that PF was filed by plaintiff but it was returned under objection and summons have not been issued to the unserved defendants. Ld. Counsel for plaintiff has stated that the address of unserved defendants is complete and there is no defect in the address.

At request, fresh summons be issued to defendants no.8(a) to 8(c) and defendants no.16(a) on previously filed PF within two weeks with direction to Process Server to affix the summons at the outer door of the premises if the defendants do not meet at the given address or refuse to accept summons or premises are found locked.



Ld. Counsel for defendants no. 2 to 7 has stated that he has filed Written Statement on 05.07.2021 but till date Replication has not been filed by plaintiff. Prescribed limitation period for filing Replication has expired long time back, hence **right of plaintiff to file Replication to the Written Statement of defendants no. 1 to 7 stands closed. Pleadings are complete qua defendants no. 1 to 7.**

Written Statement was filed by defendant no.17 on 25.02.2022 but Replication has not been filed by plaintiff till date. Limitation period for filing Replication has expired. Hence, **right of plaintiff to file Replication to the Written Statement also stands closed. Pleadings are complete qua defendant no.17 also.**

Defendants no.9(c) and defendant no.10 have filed Written Statement alongwith affidavit of admission/denial. Copy supplied. Replication alongwith application for condonation of delay if any required, may be filed within prescribed limitation period as per law.

Defendants no.9(a), 9(b) and defendants no. 11 to 15 have not filed any Written Statement till date despite due service and despite the fact that limitation period for filing Written Statement has already expired. Hence, **right of defendant no. 9(a), 9(b) and defendant no. 11 to 15 to file Written Statement stands closed.**

Defendants no.16(b) and defendant no.18 have been already served with summons but none has appeared on their behalf and they have not filed Written Statement till date. Last opportunity is granted to the said defendants to file Written Statement within prescribed limitation period as per law.

Matter is already coming up before Hon'ble Court on 18.11.2024.

**TYAGITA SINGH, (DHJS),
JOINT REGISTRAR (JUDICIAL)**

NOVEMBER 4, 2024/sm

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