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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 458/2019

VOLTAS LIMITED

..... Plaintiff

Through: Ms. Kanika Singhal, Adv.

versus

SHAPOORJI PALLONJI AND COMPANY PRIVATE LIMITED &
ORS.

..... Defendant

Through: Mr. Palash Singhai, Adv. for D-1
Ms. Rakshita Goyal, Adv. for D-3

CORAM:

**SH. VIJAY SHANKAR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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05.02.2020

**I.A.No.17392/2019 under Order 8 Rule 1 CPC filed on behalf of
the defendant no.3 for condonation of delay in filing the written
statement**

It is submitted by counsel for the plaintiff that no sufficient ground has been mentioned by the defendant no.3 in the aforesaid application for not filing the written statement within statutory period and the aforesaid application of the defendant no.3 be dismissed with heavy cost.

It is submitted by counsel for the defendant no.3 that in the present case, the written statement could not be filed by the defendant no.3 within statutory period due to the reasons as mentioned in the

aforesaid application and the delay in filing the same be condoned.

Arguments heard on the aforesaid application of the defendant no.3. Perused the material available on record. Considering the facts, circumstances and in view of the submissions made, aforesaid application of the defendant no.3 is allowed subject to cost of Rs.3,000/- to be deposited with Army Welfare Fund Battle Casualties. Receipt of cost be furnished before the next date of hearing. Written statement and affidavit of admission/denial of the documents already stated to be filed by the defendant no.3. Copies already stated to be supplied.

IA stands disposed of.

I.A.No. 17393/2019 under Order 1 Rule 10 (2) CPC filed on behalf of the defendant no.3 to strike off the name of the defendant no.3 from the list of defendants

Pleadings qua the aforesaid application already stated to be complete.

I.A.No.1624/2020 under Order 1 Rule 10 r/w Section 151 CPC filed on behalf of the plaintiff

Counsel for the defendant no.1 & 3 accept the notice of the aforesaid application and submitted that they do not wish to file reply to the aforesaid application.

Defendant no.2 is directed to file reply to the aforesaid application before the next date of hearing.

Issue notice of the aforesaid application to the proposed defendant, by all modes, returnable for the next date of hearing. Steps for service be taken within three days.

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None appeared on behalf of the defendant no.2 since morning despite repeated calls.

It is submitted by counsel for the plaintiff that the plaintiff does not wish to file replication to the written statement of the defendant no.3.

At joint request, re-notify the matter for clarifications/arguments on the aforesaid applications on **20th February, 2020.**

**VIJAY SHANKAR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 05, 2020/nk