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

+ **CS(OS) 439/2020**

SMT. BHAGWATI

.....Plaintiff

Through: Ms. Jyoti Nambiar, Adv.

versus

SH. MANOJ KUMAR & ORS.

.....Defendant

Through: None for D-1 & 5.

Mr. Madan Kumar Jha & Mr. Nitin Bansal, Advs. for D-4 (through VC).

Mr. Ravi Bassi, Mr. Vikas Shokeen & Mr. Nitin Kumar, Advs. for D-6.

Mr. Animesh Kumar Gaba, Mr. Shiva Khandelwal & Mr. Jatin Sharma, Advs. for D-7/ DDA.

None for D-2 & 3.

Right of D-2 and 3 to file WS was closed vide order dated 26.4.2023.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)**

ORDER

27.03.2024

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Proceedings are being conducted through hybrid mode.

**CS(OS) 439/2020 & I.A. No. 12324/2020 (by plaintiff u/O
XXXIX Rule 1 & 2 CPC)**

1. Separate written statements and affidavits of admission/denial and documents with list of documents already filed on behalf of defendant no.6 and defendant no.7.



2. As per office noting, written statement and affidavit of admission/denial of documents filed by defendant no.4 vide diary no.9521/2024 and 9522/2024 have not come on record. Let appropriate steps be taken as per law.
3. Office noting also shows that separate replications to written statements of defendants no.4, 6 & 7 and separate affidavits of admission/denial qua defendants no. 6 & 7 were filed by the plaintiff vide diary no.226535/2024.
4. Separate affidavits of admission/denial were already filed on behalf of plaintiff qua defendants no.6 and 7 vide diary no.1739334/2023 and 1739275/2023, respectively.
5. Ld. Counsels for defendants no.6 & 7 has submitted that replications filed on behalf of plaintiff qua defendants no.6 & 7 are beyond limitation and the same cannot be taken on record. Ld. Counsel for plaintiff submits that he will take appropriate steps as per law as last opportunity.
6. Ld. Counsel for defendant no.4 submits that he has not received copy of the replication filed on behalf of the plaintiff. Ld. Counsel for plaintiff submits that she will supply the same today itself. Let the same be supplied accordingly.
7. Pleadings in respect of defendants no.6 and 7 qua the captioned IA are already complete.
8. No written statement, reply to captioned IA and affidavit of admission/denial of documents has been filed on behalf of defendants no.1 and 5.
9. Ld. Counsel for plaintiff has submitted that statutory period for filing written statement by defendants no.1 & 5 has already expired and hence, their right to file the same may be closed.



10. Heard. Perusal of record shows that defendants no.1 & 5 were served through publication and citations dated 09.06.2023 are already on record. No written statement and affidavit of admission/denial of documents has been filed by defendants no.1 & 5 till date and statutory period for filing the same by the above said defendants has already expired. The defendants no.1 & 5 have also not filed reply to the captioned IA despite giving sufficient opportunities. In the present facts, right of defendants no.1 & 5 to file written statement, reply to captioned IA and affidavit of admission/denial stands closed.

11. Let the pleadings be completed as per law.

12. Re-notify the present matter for completion of service, completion of pleadings and further proceedings on **26th September, 2024.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MARCH 27, 2024/v

Click here to check corrigendum, if any