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

+ CS(OS) 439/2020

SMT. BHAGWATI

.....Plaintiff

Through: Mr. Manish Sangwan, Mr. Ashwani
Tehlan, Mr. Sunil Kumar, Advs.
sangwan.manish@gmail.com

versus

SH. MANOJ KUMAR & ORS.

.....Defendant

Through: Mr. Madan Kumar, Mr. Nitin Bansal, Adv.
for D-4.
Mr. Ravi Bassi, Mr. Sanyam Malik, Mr.
Nitin Kumar, Advs. for D-6.
Mr. Animesh Kumar Gaba and Mr. Shiva
Khandelwal, Advs. for D-6 (Through VC)

CORAM:

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

ORDER

03.12.2024

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

Ld. Counsel for plaintiff has not filed application for condonation of delay in filing Replications despite grant of last and final opportunity and he has stated that he had not received proper instructions from plaintiff in this regard.



Perusal of file noting as well as case filing history reveals that Written Statement was filed by defendant no.6 on 20.02.2021 and it was passed by the Registry on the same date, however replication was filed by plaintiff to the Written Statement of defendant no. 6 on 13.10.2022 but it was returned under objection and Replication was finally cleared by the Registry on 27.03.2024. The Replication has been filed after a very long delay and the case of plaintiff is not covered under the Suo Moto Writ Petition no. 03/2020 of the Hon'ble Supreme Court as it was filed after the extended limitation period granted by the Hon'ble Supreme Court. Therefore, **Replication filed by plaintiff to the Written Statement of defendant no.6 cannot be taken on record and it is taken off the record.**

As far as Replication to the Written Statement of defendant no.4 is concerned, it has been passed by the Registry but Written Statement filed by defendant no.4 is still lying under objection. Objections be cleared within one week as last and final opportunity to defendant no.4, so that it comes on record.

As far as Replication to the Written Statement of defendant no.7 is concerned, it is not clear from the case filing history as well as from the file noting when the Written Statement of defendant no.7 was passed by the Registry. Concerned official of Registry is directed to file Report regarding date of first filing of the Written Statement of defendant no.7 and date of final clearance of Written Statement by the Registry, within two weeks.

Right of defendants no. 1,2,3 and 5 to file Written Statement had already been closed.



Ld. Counsel for plaintiff has requested that pleadings are complete in I.A. 12324/2020 and matter may be placed before Hon'ble Court. However, Ld. Counsel for defendants have strongly opposed the request. The matter is being fixed for admission/denial and marking of exhibits and matter will be placed before the Hon'ble Court after completion of pleadings.

Joint Document Schedule be filed by the plaintiff within four weeks, after obtaining comments and signatures from Ld. counsels for defendants. Parties are directed to file signed pleadings and hard copy of documents on record within four weeks with the Registry.

Be fixed for admission/denial and marking of exhibits on 03.02.2025. The parties/counsels are directed to appear physically with original documents on the next date of hearing.

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

DECEMBER 3, 2024/sm