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

+ CS(OS) 583/2022 and IA No. 15337/2022 (application filed by the plaintiff u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

DAKSH RANA (MINOR) THROUGH HIS MOTHER

..... Plaintiff

Through: Mr. Ashish Khatri,
Advocate appeared
physically

versus

BHUPINDER RANA & ORS. Defendants

Through: Mr. Parth Vibhu,
Advocate for Defendant
nos. 2 and 3 appeared
physically

CORAM:

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

ORDER

% **21.03.2023**

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

IA No. 17900/2022 (application filed by defendant no.2 u/O VII Rule 11 (a) and (d) CPC r/w Section 151 CPC)

Learned counsel for the plaintiff has stated that he has filed reply yesterday vide Dy. No. E-507061/2023. Copy supplied. However, reply has not come on record as yet.

Learned counsel for defendant no.2 seeks time to file rejoinder. Let rejoinder be filed within two weeks with advance copy to the opposite parties.

CS(OS) 583/2022

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Written statement alongwith affidavit of admission/denial of defendant nos. 2 and 3 is on record.

Learned counsel for the plaintiff has stated that he has already filed replication vide Dy. No. 506201/2023. However, replication has not come on record as yet.

Learned counsel for defendant no.4 has objected that plaintiff has not filed deficient court fees or affidavit in terms of the order of the Hon'ble Court dated 03.11.2022.

Learned counsel for the plaintiff has stated that the concerned official of the Registry was directed to comply the order dated 05.12.2022 for supply of copy of the detailed chart/report in respect of court fees, but the copy has not been supplied by the concerned official of the Registry to him till date.

At request, concerned official of the Registry is directed to supply the copy of said report to learned counsel for the plaintiff within two days.

Last opportunity is granted to learned counsel for the plaintiff for filing explanation/affidavit in terms of the order dated 23.11.2022 of the Hon'ble Court, within two weeks.

Learned counsel for defendant no.4 has stated that inadvertently due to some clerical error, the verification clause has not been mentioned in the written statement, though supporting affidavit of defendant has been filed with written statement, and he seeks some time for filing the verification clause.



Heard. One week time is granted to defendant no.4 for filing verification clause in support of his written statement. The concerned official of the Registry is directed to affix the verification clause at the back side of the written statement as and when it is filed on record.

IA No. 5458/2023 (application filed by defendant no.4 u/S 151 CPC for condonation of delay of 85 days in filing written statement)

And

IA No. 5459/2023 (application filed by defendant no.4 u/S 151 CPC for condonation of delay of 85 days in filing reply to IA No. 15337/2022)

These are fresh applications filed by defendant no.4 for condonation of delay of 85 days in filing written statement and reply to IA No. 15337/2022.

Notice accepted by learned counsel for the plaintiff and he has stated that he has already filed reply yesterday (Diary Number not given). Copy supplied.

Rejoinder, if any, may be filed within four weeks with advance copy to the opposite party.

Put up for arguments on both the applications on 16th May, 2023.

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

MARCH 21, 2023
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