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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(COMM) 578/2020

ANIL SHARMA Plaintiff

Through: Mr. Sidharth Tyagi, Adv.
(Mob.9911452727)

versus

ATUL GUPTA & ORS. Defendants

Through: None.

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA MAHENDRA,
(DHJS)**

ORDER

% 05.09.2022

CS (COMM) 578/2020

The matter is listed for completion of service qua defendant no.5&20 as well as for completion of pleadings qua remaining defendants.

As per Order dated 08.03.2021, all the defendants have been served except defendant no.5,6,7,9,15,20,22&23. Defendant no.6,7&9 were served as reflected in Order dated 18.11.2021. Defendant No.11,22&23 have also been served and were represented through counsel as reflected in Order dated 18.11.2021.

It is pointed out by learned counsel for the plaintiff that defendant no.15 had appeared through counsel on 24.12.2020, 07.01.2021, 04.03.2021 & 18.11.2021.

Pleading qua defendant no.7 only are complete.

As per office note, Written Statement alongwith Affidavit of Admission/Denial of documents has been filed by defendant no.25 vide diary no.742538 on 27.04.2022. As per earlier office note, Written Statement was also filed earlier by defendant no.25 vide



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No.472149 on 31.07.2021. It is stated by learned counsel for the plaintiff that he has received copy of Written Statement and Affidavit of Admission/Denial of documents filed by defendant no.25 from defendant no.25 in March, 2021 and has not received any other copy of Written Statement and Affidavit of admission/denial of documents filed by defendant no.25. He further submits that defendant no.25 cannot file Written Statement and Affidavit of admission/denial of documents afresh in 2022 after having filed the same on 31.07.2021. He also submits that even Written Statement alongwith Affidavit of admission/denial of documents filed by defendant no.25 on 31.07.2021, is not within stipulated period. There is no appearance on behalf of defendant no.25 today to explain in this regard. Needless to say, Written Statement alongwith Affidavit of admission/denial of documents filed by defendant no.25 shall be made part of the record as per law.

The other served defendants have not filed Written Statement despite repeated opportunities. So, right of other served defendants to file Written Statement is ordered to be closed.

As per office note, copy of newspapers ***“Times of India”*** & ***“Dainik Bhaskar”*** both dated 24.05.2022 have been filed through e-filing qua substituted service of defendant no.5&20. Same are perused. The plaintiff had served defendant no.5&20 through publication in aforesaid newspapers on 24.05.2022 for the date of hearing of 30.05.2022. It is, thus, found that sufficiently reasonable time has not been given to defendant no.5&20 to enable them to appear in court and answer the claim of the plaintiff. I am not satisfied



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with the service of defendant no.5&20 through substituted mode.

Accordingly, defendant no.5&20 are directed to be served again through publication, in terms of order dated 07.12.2021, on taking of steps by the plaintiff for the next date of hearing. PF be filed by plaintiff within three days. Registry is directed to expedite the process.

Re-notify the matter for completion of service of defendant no.5&20 through publication/further proceedings on 18.10.2022.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)

SEPTEMBER 05, 2022/ab

[Click here to check corrigendum, if any](#)