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

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CS(OS) 457/2020

MS. ARUN SAINI @ GUDDI (NEE ARUN BALA JAIN)

..... Plaintiff

Through: Mr. Barun Kumar Sinha, Mrs.  
Pratibha Sinha & Mr. Sneh  
Vardhan, Advs.

versus

SHRI NIRMAL KUMAR JAIN & ANR.

..... Defendant

Through: Ms. Leena Tuteja & Ms. Ishita  
Kadyan, Advs. for D-1

**CORAM:**

**JOINT REGISTRAR (JUDICIAL) SH. MANISH  
SHARMA, (DHJS)**

**ORDER**  
**15.04.2024**

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**I.A. No. 3243/2024 (by defendant no.2 u/O VIII Rule 1  
r/w Section 151 of CPC seeking condonation of delay of  
322 days in filing written statement to amended plaint)**

1. Ld. Counsel for defendant no.1 has submitted that right of defendant no.2 to file written statement was closed vide order dated 26.09.2023, therefore, the captioned IA is not maintainable.
2. Arguments heard. Record perused.
3. Perusal of record shows that learned counsel for the defendant no.2 has appeared and accepted the summons of the suit on the first day itself i.e. 24/12/2020. Further perusal of record shows that the written statement filed on behalf of the defendant no.2 vide diary no.328295 dated 06/02/2024 is lying under objection. In view of the aforesaid, statutory period of 120 days to file the



written statement of the defendant no.2 is over.

Accordingly, the captioned IA is dismissed.

4. IA stands disposed of.

**I.A. No. 24128/2023 (by defendant no.1 u/O VII Rule 11 of CPC) &**

**I.A. No. 7088/2023 (by plaintiff u/O XXXIX Rule 2-A of CPC r/w Sections 11 & 2 of Contempt of Courts Act)**

5. It is submitted that the captioned IA is coming up for hearing before the Hon'ble Court on 23.04.2024.

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6. Re-notify the matter on the date already fixed i.e. **11<sup>th</sup> July, 2024.**

**MANISH SHARMA, (DHJS)  
JOINT REGISTRAR (JUDICIAL)**

**APRIL 15, 2024/nk**

***Click here to check corrigendum, if any***