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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 575/2023

SARLA HOLDINGS PVT LTD

..... Plaintiff

Through

**Ms. Rishika Arora, Adv. (joined
through VC)**

versus

DT MEDIA AND ENTERTAINMENT PVT LTD

EDUCATION WORLD AND ORS

..... Defendants

Through

**Mr. Naveen Nagarjuna & Mr.
Rishubh Agarwal, Advs. for
D-1&3**

CORAM:

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

ORDER

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01.07.2024

**I.A. 836/2024 under Order VII Rule 11 read with
section 151 of CPC moved by defendant No.1**

It is stated by learned counsel for the plaintiff that she has filed reply to the captioned IA vide diary no.1877967/2024 on 29.06.2024. However, the same is not on record. Learned counsel for the plaintiff is directed to take requisite steps to bring reply on record. It is stated by learned counsel for the applicant/defendant no.1 that he has not received copy of the same, to which learned counsel for the plaintiff undertakes to supply the same within two days through email. Thereafter, rejoinder, if any, within two weeks thereafter with copy to the opposite side.

It is already stated by learned counsel for the defendant no.1, who was also appearing on behalf of defendant no.3 that defendant no.3 had no objection, if captioned IA is allowed.

The learned counsel for the defendant no.3 has not filed fresh address of defendant no.3 in terms of order



dated 02.04.2024. Learned counsel for the defendant no.3 seeks one opportunity to file the same. In the interest of justice, no adverse order is being passed today and the last and final opportunity is granted to learned counsel for the defendant no.3 to file fresh address of defendant no.3 within two weeks with copy to the opposite side.

As per record, it was noted on the last date of hearing that the defendant no.2 is un-served with notice of the captioned IA through ordinary process at both the addresses with the remark 'left'. The defendant no.2 is also un-served through Speed Post at both the addresses and the applicant/defendant no.1 was directed to take appropriate steps as per law for service of defendant no.2. Despite the same, the defendant no.1 has filed PF again for the same address for which no plausible explanation is furnished by learned counsel for the defendant no.1. Learned counsel for the defendant no.1 seeks one more opportunity for service of defendant no.2. In the interest of justice and subject to imposition of cost of Rs.800/- upon the defendant no.1 to be deposited with Delhi High Court Legal Services Committee, the last and final opportunity is granted to the defendant no.1 for service of defendant no.2 with notice of the captioned IA as per law.

Re-notify the captioned IA for completion of pleadings qua plaintiff/completion of service qua defendant no.2 on the next date of hearing.

IA No.326/2024 under Order VIII Rule 1 CPC moved by the defendant no.1

It is stated by learned counsel for the plaintiff that she has filed reply to the captioned IA vide diary no.1871507/2024 on 29.06.2024. However, the same is not



on record.

Heard and record perused. Vide order dated 02.04.2024, the last and final opportunity was granted to the plaintiff to file reply and therefore, the plaintiff had ample time to file reply. It is stated by learned counsel for the plaintiff that she could not file reply as she was on maternity leave. The learned counsel for the plaintiff has been seeking time since 08.01.2024 to file the reply and still, the same is not on record. In the interest of justice and subject to imposition of cost of Rs.1000/- upon the plaintiff to be deposited with Delhi High Court Legal Services Committee, the plaintiff is granted one more opportunity to take requisite steps to bring reply on record.

It is stated by learned counsel for the applicant/defendant no.1 that he has not received copy of the same, to which learned counsel for the plaintiff undertakes to supply the same within two days through email. Thereafter, rejoinder, if any, within two weeks thereafter with copy to the opposite side.

Re-notify the captioned IA for completion of pleadings/consideration on the next date of hearing.

CS(OS) 575/2023

As per record, Written Statement alongwith Affidavit of Admission/Denial of the documents and documents filed by the defendant no.1, have already been placed by the registry. An application seeking condonation of delay in filing Written Statement is pending consideration.

As per office note, Vakalatnama filed on behalf of defendant no.3 is on record.



It is stated by learned counsel for the defendant no.1&3 that he has also filed Affidavit on behalf of defendant no.3 for adopting the Written Statement filed by defendant no.1. The same is on record.

It is stated by learned counsel for the defendant no.1&3 that he is not representing defendant no.2 and that he has received an email from defendant no.2, informing that the defendant no.2 wants to engage a separate counsel. He submits that he will file said email on record. At request, the same be filed within two weeks with copy to the learned counsel for the plaintiff.

No Written Statement has been filed by defendant no.2 till date. None is present on behalf of defendant no.2 today and even otherwise, the statutory period for filing Written Statement has already expired. So, the right of the defendant no.2 to file Written Statement is ordered to be forfeited.

Re-notify the matter for further proceedings on 23.08.2024.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JULY 1, 2024/ab

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