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

+ **CS(OS) 464/2019**

UMESH CHANDER SHARMA & ANR.

..... Plaintiff

Through: Mr. Ankit Gupta, Adv.

versus

NARESH SHARMA & ORS

..... Defendant

Through: Mr. Himanshu, Adv. for D-1
Ms. Jyoti, Adv. for D-2

CORAM:

**SH. VIJAY SHANKAR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER
% **18.12.2019**

**I.A.No.17777/2019 under Section 5 of the Limitation Act r/w
Section 151 CPC filed on behalf of the defendant no.3 & 4 seeking
condonation of delay in filing written statement**

Counsel for the plaintiffs accepts the notice of the aforesaid application and submitted that he has no objection, if the aforesaid application of the defendant no.3 & 4 is allowed.

It is submitted by counsel for the defendant no.3 & 4 that in the present case, written statement could not be filed by the defendant no.3 & 4 within statutory period due to the reasons as mentioned in the aforesaid application and delay in filing the same be condoned.

Arguments heard on the aforesaid application of the defendant

no.3 & 4. Perused the material available on record. Considering the facts, circumstances and in view of the submissions made, aforesaid application of the defendant no.3 & 4 is allowed. Written statement and affidavit of admission/denial of the documents already stated to be filed by the defendant no.3 & 4. It is submitted by counsel for the plaintiffs that he has not received the copies of the written statement and affidavit of admission/denial of the documents. It is submitted by counsel for the defendant no.3 & 4 that he will supply the copies of the same to the opposite counsel within two working days.

IA stands disposed of.

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Written statement and affidavit of admission/denial of the documents already stated to be filed by the defendant no.5. It is submitted by counsel for the plaintiff that the defendant no.5 has not filed the written statement and affidavit of admission/denial of the documents within statutory period.

None appeared on behalf of the defendant no.5 since morning despite repeated calls.

It is submitted by counsel for the defendant no.1 that the defendant no.1 has filed the written statement and affidavit of admission/denial of the documents along with appropriate application for condonation of delay in filing the same vide diary no. 1445361 on 27/11/2019. However, the same have not come on record. Counsel for the defendant no.1 seeks time for taking appropriate steps in this regard.

It is submitted by counsel for the plaintiffs that he does not

wish to file replication to the written statement of the defendant no.2.

Counsel for the plaintiffs seeks time for filing replication to the written statement of the defendant no.3 & 4 and affidavit of admission/denial of the documents. Heard. Request is allowed. Plaintiffs are directed to file the same before the next date of hearing with direction to supply advance copies of the same to the opposite counsel.

At joint request, re-notify the matter for completion of pleadings and admission/denial of the documents on **06th January, 2020.**

VIJAY SHANKAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

DECEMBER 18, 2019*/nk*