

\$~17

* **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. Saurabh Mishra, Adv. for D-1
Mr. Jyoti, Adv. for D-2
Advocate for D-5 (appearance not given).

CORAM:

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

O R D E R

% **03.03.2020**

**I.A.No.2970/2020 under Section 151 CPC r/w enabling provisions
of Delhi High Court and the rules filed on behalf of the defendant
no.5 for condonation of delay in re-filing the application Order 8
Rule 1 r/w Section 151 CPC**

Counsel for the plaintiffs accepts the notice of the aforesaid application and submitted that he does not wish to file reply to the aforesaid application and has no objection, if the aforesaid application of the defendant no.5 is allowed.

Heard. Perused. The aforesaid application of the defendant no.5 is allowed subject to all just exceptions.

IA stands disposed of.

I.A.No.2969/2020 under Order 8 Rule 1 r/w Section 151 CPC filed on behalf of the defendant no.5

Counsel for the plaintiffs accepts the notice of the aforesaid application and submitted that he does not wish to file reply to the aforesaid application. It is submitted by counsel for the plaintiff that no sufficient ground has been mentioned by the defendant no.5 in the aforesaid application for not filing the written statement and affidavit of admission/denial of the documents within statutory period and the aforesaid application of the defendant no.5 be dismissed with cost.

It is submitted by counsel for the defendant no.5 that in the present case, the written statement and affidavit of admission/denial of the documents could not be filed by the defendant no.5 within statutory period due to the reasons as mentioned in the aforesaid application and the delay in filing the same be condoned.

Arguments heard on the aforesaid application of the defendant no.5. Perused the material available on record. Considering the facts, circumstances and in view of the submissions made, aforesaid application of the defendant no.5 is allowed subject to cost of Rs.5,000/- to be deposited with Army Welfare Fund Battle Casualties. Receipt of cost be furnished within 10 days. Written statement and affidavit of admission/denial of the documents already stated to be filed by the defendant no.5. Copies already stated to be supplied.

IA stands disposed of.

CS(OS) 464/2019

It is submitted by counsel for the plaintiffs that the plaintiffs do

not wish to file replication qua the written statement of the defendant no.5. It is further submitted by counsel for the plaintiffs that the plaintiffs do not wish to file affidavit of admission/denial of the documents qua the defendant no.5 as the defendant no.5 has not filed any document in the present case.

Counsel for the defendant no.1 seeks time for filing receipt of previous cost. Heard. Request is allowed. Same be filed within a week.

Pleadings stated to be complete.

At joint request, re-notify the matter for admission/denial of the documents on **13th April, 2020.**

VIJAY SHANKAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

MARCH 03, 2020/nk