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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 472/2019**
SHRI V.K. VADHERA

.....Plaintiff

Through: Mr. Shresth Chaudhary, Adv.

versus

SEWA BHARTI & ORS.

.....Defendants

Through: Mr. Nitin Jain, Adv. (through VC) for
all the defendants.

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. JYOTI KLER (DHJS)
ORDER
% **25.02.2021**

PHYSICAL HEARING

Advance request for conducting the court proceedings through video conference has been received from learned counsel for the defendants.

I.A.No.12253/2020 (under Order XVIII Rule 16 CPC – by plaintiff)

1. It is submitted that the application is coming up before the Hon'ble Court on 09/03/2021.

I.A.No.2943/2021 (under Section 151 CPC filed on behalf of the plaintiff seeking condonation of delay in filing replication)

1. This application has been filed by the plaintiff for seeking



condonation of 7 days delay in filing replication. Record indicates that replication and affidavit of admission/denial of the documents were filed by the plaintiff on 09/02/2021 i.e. within three weeks from 19/01/2021 when written statement of the defendant was taken on record by the Hon'ble Court after condoning the delay. Hon'ble Court had granted two weeks time to the plaintiff to file replication. Replication has been filed after delay of 7 days however within prescribed statutory period.

2. Considering the aforesaid reason, delay is condoned and replication & affidavit of admission/denial of the documents are taken on record.
3. IA stands disposed of.

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1. Pleadings are complete.
2. Affidavit of admission/denial of the documents has been filed by the plaintiff wherein all the documents of the defendants have been denied.
3. Affidavit of admission/denial not filed by the defendants.
4. Learned counsel for the plaintiff submits that defendants are trying to delay the matter. It is submitted that affidavit of admission/denial of the documents should have been filed by the defendants along with their written statement. Learned counsel submits that no opportunity be now given to the defendants for filing affidavit of admission/denial of the documents.
5. Learned counsel for the defendants submits that list of documents filed by the plaintiff is not proper and therefore affidavit of



admission/denial of the documents could not be filed. Learned counsel for the plaintiff submits that no such objection was raised by the defendants at earlier stage.

6. Learned counsel for the defendants submits that he shall file affidavit of admission/denial with respect to the documents filed with the plaint with an appropriate application for condonation of delay.
7. Learned counsel for the defendants further submits that the plaintiff has filed fresh documents with the replication and opportunity may be given to the defendants for filing affidavit of admission/denial of those documents. Since the documents have been filed with the replication, defendants are given one opportunity for filing affidavit of admission/denial of those documents. Let the same be filed within a week.
8. It is submitted that the matter is coming up before the Hon'ble Court on 09/03/2021 for settling of issues.
9. Re-notify the matter for admission/denial of the documents on **05th March, 2021.**

JYOTI KLER (DHJS)
JOINT REGISTRAR (JUDICIAL)

FEBRUARY 25, 2021/nk

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