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

+ **W.P.(C) 14014/2022 & CM APPL. 22293/2023**

DR VIRALBEN BABULAL CHAUDHARI Petitioner
Through: **Mr.V.S.R. Krishna, Adv.**

versus

INDO TIBETAN BORDER POLICE FORCE AND ORS

..... Respondents

Through: **Mr.Ripu Daman Bhardwaj, CGSC**
with Mr.Trilok Singh Bisht (GP)
for UOI.
Mr.Shyam Suman Singh, Adv. for
Respondent No.3.
Ms.Smita Dikshit, Adv. for
Respondent No.5.
Mr.Ankur Chhibber, Adv. for
Respondent Nos.6 to 8.
Ms.Archana Surve (GP) for
Respondent Nos.7 & 9 to 12.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **02.05.2023**

CM APPL.22293/2023

1. Present application has been filed on behalf of respondent no.5 seeking condonation of delay of 37 days in filing the counter affidavit.
2. In view of the reasons stated in the application, we hereby condone the delay of 37 days in filing the counter affidavit.
3. Application is disposed of.

W.P.(C) 14014/2022

Page 1 of 2



W.P.(C) 14014/2022

4. Counter affidavit on behalf of the respondent no.5 is taken on record.
5. Rejoinder thereto, if any, be filed within four weeks.
6. Learned counsel for respondent no.3 submits that he has already been discharged/relieved from ITBP and joined another services. Since there is no relief sought against respondent no.3, no counter affidavit is required to be filed.
7. In view of above, respondent no.3 be treated as a proforma party.
8. Counter affidavit is stated to have been filed on behalf of respondent nos.6 to 8 and respondent nos.7, 9 to 12, however, the same are not on record.
9. The said respondents shall pursue with the Registry and get the same placed on record before the next date.
10. Rejoinder thereto, if any, be filed within four weeks.
11. Last opportunity is granted to respondent no.4 to file counter affidavit within four weeks with an advance copy to the other side, failing which the right to file counter affidavit shall stand closed.
12. Rejoinder thereto, if any, be filed within four weeks thereafter.
13. Renotify on 26.09.2023.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 02, 2023/ab

W.P.(C) 14014/2022

Page 2 of 2