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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 631/2014

SANDIP SOMANY & ANR

..... Plaintiff

Through

Mr. Manav Gupta, Adv.

versus

RAM NIWAS JINDAL & ORS

..... Defendant

Through

Mr. Rajiv Bansal, Adv. for D-1

Mr. Aviral Tiwari, Adv. for D-2&3

CORAM:

ASHUTOSH KUMAR (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

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27.08.2015

I.A. No.7470/2015 under Section 151 CPC seeking condonation of delay in filing of written statement, and I.A. No.7471/2015 under Section 151 CPC, both IAs moved on behalf of defendant no.2&3

Learned counsel for plaintiff has no objection to both IAs except that the same may be allowed subject to payment of cost.

Considering the facts and circumstances, in view of the reasons mentioned in the application, oral submissions made and in order to do substantive justice between the parties, both applications are allowed, subject to payment of cost of Rs.12000/- each by defendant no.2 &3 to plaintiff within ten days (as requested by Learned counsel for defendant no.2&3) and written statement filed by defendant no.2&3 is taken on record.

Both IAs are disposed of.

I.A. No.7472/2015 under Section 151 CPC moved on behalf of defendant no.2 for modification of order dated 10.11.2014

Learned counsel for applicants has submitted that in view of the fact that both IA have been allowed and written statement of defendant no.2&3 has been taken on record, therefore the present IA has become infructuous and may accordingly disposed of. Ordered accordingly.

IA stands disposed of.

I.A. No.15230/2015 under Order 12 Rule 6 CPC moved on behalf of

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plaintiff

Learned counsel for defendant no.1 has admitted that said defendant was served with notice of the application on 30.07.2015.

At request, last opportunity of two weeks is granted to said defendant to file reply with copy to plaintiff, who may file rejoinder, if any, within two weeks with copy to said defendant.

Renotify for completion of pleadings qua this IA on next date of hearing.

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Learned counsel for plaintiff has submitted that cost of Rs.12000/- imposed upon defendant no.4 for taking on record his written statement, has not been paid till today in spite of grant of 10 days to the said defendant vide order dated 10.04.2015.

Since none is present on behalf of said defendant, therefore, last opportunity is granted to said defendant to pay the said cost, failing which adverse order shall be passed against him.

Since written statement of defendant no.2&3 has come on record, therefore at request, plaintiff is at liberty to file replication to the same within four weeks with copy to said defendants.

Contesting parties of both sides to file their respective original/certified copies of documents within eight weeks with copies to be exchanged.

Renotify the matter for admission/denial of the documents, on 05.11.2015

**ASHUTOSH KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

AUGUST 27, 2015/ab