



\$~42

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

+ **CS(OS) 662/2021**

ASHA & ORS. Plaintiffs

Through: Counsel (Appearance not given).

versus

RAJBALA & ORS. Defendants

Through: Mr. Brijesh Yadav, Mr. Chirag Verma and Ms. Nikita, Advocates for D-1 to 4.
Mr. Satish Kumar and Mr. Vishal Patel, Advocate for D-5.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **20.05.2024**

I.A. 29683/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

Application stands disposed-of.

I.A. 29684/2024

By way of present application filed under section 5 of the Limitation Act 1963 read with Section 151 of the Code of Civil Procedure 1908, the applicant/defendant No.5 seeks condonation of 03-days' delay in filing O.A.90/2024.

2. Issue notice.
3. Learned counsel for plaintiffs appears on advance copy; accepts notice; and seeks time to file reply(s).



4. Upon defendant No.5 taking requisite steps, let notice be sent to the remaining non-applicants by all permissible modes, returnable for the next date.
5. Let the notice indicate that reply(s) to the application be filed within 03 weeks of service; rejoinder(s) thereto, if any, be filed within 02 weeks thereafter; with copies to the opposing counsel.
6. Re-notify on 12th July, 2024.

O.A. 90/2024

7. By way of present appeal filed under Rule 5 read with Rule 7 of the Chapter II of the Delhi High Court (Original Side) Rules 2018, read with section 151 of the Code of Civil Procedure 1908, appellant/defendant No.5 seeks setting-aside of order dated 19.03.2024 passed by the learned Joint Registrar, whereby the written statement of defendant No.5 has been taken off the record, holding that it was filed beyond the maximum permissible period of 120 days.
8. Issue notice.
9. Learned counsel for respondents Nos.1 to 4 (plaintiffs in the suit) appears on advance copy; and accepts notice. Counsel disputes both, the date of first service of summons upon defendant No.5, as also the date of first filing of the written statement by defendant No.5.
10. Upon the appellant/defendant No.5 taking requisite steps, let notice be sent to the remaining respondents by all permissible modes, returnable for the next date.
11. The present appeal will be considered subject to the decision on I.A. No.29684/2024.
12. Re-notify for consideration on 12th July, 2024.



CS(OS) 662/2021

13. Re-notify before the learned Joint Registrar on 26th July 2024, the date already fixed.

ANUP JAIRAM BHAMBHANI, J

MAY 20, 2024

mk