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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 672/2021 and IA No. 16377/2021 (application filed by the plaintiff u/S 151 CPC for condonation of delay of 07 days in re-filing the suit with supporting affidavit) and IA No. 16378/2021 (application filed by the plaintiff u/S 151 CPC for considering the Court Fees)

VINOD KUMAR

..... Plaintiff

Through: Mr. Keshav V. Hegde, Advocate
appeared physically

versus

RAJENDER SINGH & ORS.

..... Defendants

Through: Mr. S.S. Rana, Advocate for
Defendant nos. 1 and 2 appeared
physically
Defendant nos. 5,6 and 7 in person

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH,
(DHJS)**

ORDER

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18.10.2022

Matter is taken up through physical hearing as well as video conferencing.

IA No. 14236/2022 (application filed by defendant nos. 1 and 2 u/O 8 Rule 1 r/w Section 151 CPC for condonation of delay in filing the written statement)

Learned counsel for defendant nos. 1 and 2 has stated that there is a delay of 92 days in filing written statement from the date of service has occurred but delay was not intentional or deliberate, rather, the delay was caused due to the reason that learned counsel for defendant nos. 1 and 2 was out of station in the month of June 2022 due to his health reasons.

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Learned counsel for the plaintiff has stated that he has no objection to the application if it is allowed subject to certain cost for the delay caused in the case.

Heard. Keeping in view the above stated facts and submissions of learned counsels for the parties as well as reasons mentioned in the application, the application stands allowed, subject to cost of Rs. 2,000/- to be paid by defendant nos. 1 and 2 to the plaintiff before the next date of hearing. Written statement of defendant nos. 1 and 2 alongwith affidavit of admission/denial, documents and vakalatnama is taken on record.

IA stands disposed off.

IA No. 16374/2021 (application filed by the plaintiff u/O XXXIX Rules 1 and 2 r/w Section 151 CPC for grant of ex-parte ad-interim injunction) and IA No. 16375/2021 (application filed by the plaintiff u/O XI Rule XIV r/w Section 151 CPC for direction to defendant nos. 1 and 2 to produce the ownership documents of suit properties)

Reply filed by defendant nos. 1 and 2. At request, copy of reply be supplied to learned counsel for the plaintiff by way of e-mail within one week.

Rejoinder, if any, be filed as per law with advance copy to the opposite parties.

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At request of learned counsel for the plaintiff, copy of the written statement of defendant nos. 1 and 2 alongwith affidavit of admission/denial and documents be supplied to learned counsel for the plaintiff by learned counsel for defendant nos. 1 and 2.

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Replication to written statement of defendant nos. 1 and 2 be filed within the prescribed period with advance copy to the opposite parties.

Learned counsel for the plaintiff has stated that defendant nos. 5,6 and 7 have appeared physically and they are ready to give statement that they have no objection to the suit and they do not want to file any written statement or reply and they will abide by the order/judgment of the Hon'ble Court.

Separate statements of the said defendants in this regard have been recorded today.

At request, fresh summons be issued to defendant nos. 3 and 4 on filing of PF within seven days, by all permissible modes including electronic mode and *dasti*. Affidavit of service be filed atleast one week before the next date.

Plaintiff is directed to file Joint Documents Schedule within four weeks. Both the parties are directed to file original signed pleadings and hard copies of the documents on record atleast one week before the next date of hearing. Both the parties are directed to appear alongwith original documents for marking of exhibits on the documents on the next date of hearing. The concerned official is directed to complete the file in all respects before the next date of hearing.

Put up for admission/denial and for marking of exhibits on 31st January, 2023.

**TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 18, 2022/savita
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