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

+ **CS(OS) 623/2022**

NUPUR RUSTAGI & ORS.Plaintiff

Through: Mr. Hari Kishan, Adv.

versus

PRABODH KUMAR RUSTAGI & ORS.

.....Defendant

Through: Mr. Srikanth Verma, Adv. for D-1
& D-2.

D-3 is yet to be served.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)**

ORDER

19.12.2022

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**I.A. No. 21709/2022 (u/O I Rule 10 of CPC and u/O VI
Rule 17 CPC)**

1. Ld. Counsel for defendants no.1 and 2 accepts notice of the captioned IA and seeks time for filing reply to the same.
2. The defendants no.1 and 2 may file reply to captioned IA within four weeks with advance copy to opposite party, who may file rejoinder within two weeks thereafter.
3. Issue notice of captioned IA to defendant no.3 through all permissible modes for next date of hearing.
4. The defendant no.3 may file reply to the captioned IA within four weeks from the date of service of notice with advance copy to opposite party, who may file rejoinder within two weeks thereafter.
5. Re-notify the captioned IA for completion of pleadings and further proceedings on **15th February, 2023.**



I.A. No.20099/2022 (u/O XXXVIII Rule 1 r/w Section 151 of CPC for condonation of delay of 12 days in filing written statement, moved by defendants no.1 & 2).

1. Ld. Counsel for plaintiff submits that he does not wish to file any reply to the captioned IA and he has no objection if the same is allowed.
2. Heard. For the reasons stated in the application and in view of submissions of the parties, delay in filing written statement on behalf of defendants no.1 & 2 is condoned and the written statement filed on behalf of defendants no.1 and 2 is taken on record.
3. The captioned IA stands disposed off accordingly.

CS(OS) 623/2022, I.A. No.16608/2022 (u/O XXXII Rule 1 of CPC by plaintiff) & I.A. No.16607/2022 (u/O XXXIX Rules 1 & 2 of CPC by plaintiff)

1. It is submitted that the matter and captioned IAs are coming up for hearing before the Hon'ble Court on 23.02.2022.
2. As per office noting for today, written statement filed on behalf of defendants no.1 and 2 vide diary no. 1940042 dated 03.12.2022 was returned under objection. Let needful in this regard be done.
3. Vide order passed today while disposing IA No. 20099/2022, delay in filing written statement filed on behalf of defendants no.1 and 2 has been condoned and the written statement of defendant no.2 is taken on record. **Registry to take note of the same.**
4. The plaintiff may file replication alongwith affidavit of admission/denial of documents as per law.
5. Office noting further reveals that IA filed vide diary no. 1977671 dated 03.12.2022 was returned under objection.



Let needful in this regard be done.

6. Office noting also shows that hard copy of plaint was filed on behalf of the plaintiff on 09.11.2022, however, the same was returned under order as same has already been e-filed.
7. As per office noting for 30.11.2022, vakalatnama was filed on behalf of defendants no.1 and 2 on 24.11.2022.
8. The said office noting further reveals that replies to the captioned IAs were filed on behalf of defendants no.1 and 2 on 24.11.2022.
9. The said office noting also shows that documents were filed on behalf of defendants no.1 and 2 on 24.11.2022.
- 10.Ld. Counsel for plaintiff seeks time for filing rejoinder to replies filed by defendants no.1 and 2 qua the captioned IAs. Let same be filed within two weeks with advance copy to the opposite party.
- 11.Ld. Counsel for defendants no.1 and 2 submits that he is appearing for defendants no.1 and 2 only and he is not representing defendant no.3. He has further submitted that vakalatnama has been filed by him on behalf of the defendants no.1 and 2. He further submits that he will take appropriate steps in respect of defendant no.3.
- 12.In the meantime, issue summons of the suit and notice of captioned IAs to defendant no.3 through all permissible modes for next date of hearing.
- 13.The defendant no.3 may file written statement, reply to captioned IAs and affidavit of admission/denial within 30 days from the date of service of summons with advance copy to the plaintiff, who may file replication, rejoinder and affidavit of admission/denial of documents within 30

days thereafter.



14.Re-notify the matter for completion of pleadings and further proceedings on **15th February, 2023.**

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)
DECEMBER 19, 2022/v
Click here to check corrigendum, if any