

\$~22

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

+ CS(OS) 499/2019

RAKESH SHARMA Plaintiff

Through: Mr. Abhinav Sharma, Advocate

versus

BHUVNESH KUMAR & ORS. Defendants

Through: Mr. Amritesh Mishra, Advocate
for D-1

Ms. Neharika Babbar, Proxy
counsel for D-2 and 3

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **05.02.2020**

I.A. (Diary No.156138/2020) (to be numbered)

1. Learned counsel for the defendant No.1 states that he has filed an application under the aforesaid diary number, for condonation of 59 days' delay in filing the written statement. Although the application is not listed today, a copy of the same has been produced and is taken on board with consent of counsel for the parties.

2. Issue notice. Learned counsel for the plaintiff accepts notice and consent to the disposal of the application.

3. The defendant has sought condonation of 59 days' delay in filing of the written statement on the ground that although the summons in the suit were served upon him on 07.11.2019, substantial time was consumed in locating the bank passbooks that reflect the payment of money by defendant No.1 to the plaintiff, and withdrawal of money contributed for purchasing one of the suit properties. It is also noted that he was

indisposed for some part of intervening period.

4. Having regard to the contents of the application, and with consent of the counsel for the plaintiff, the application is allowed and the written statement filed by defendant No.1 was taken on record.

I.A. 13303/2019 (Application under Order XXXIX Rule 1 and 2 of the CPC, 1908)

Learned counsel for the defendant No.1 will ensure that his reply to the application is placed on record. Rejoinder to the replies in this application may be filed within four weeks.

List on 18.05.2020.

CS(OS) 499/2019

1. Learned counsel for the defendant Nos.2 and 3 states that she has filed the written statements on behalf of the said defendants. However the same are under objection. Learned counsel will ensure that the written statements are brought on record within one week.

2. Replications and affidavits of admission/denial of documents may be filed by the plaintiff within two weeks thereafter.

3. List before the Joint Registrar on 17.03.2020, for completion of pleadings, admission/denial of documents and marking of exhibits.

4. List before the Court on 18.05.2020.

PRATEEK JALAN, J

FEBRUARY 05, 2020

j's