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

CS(OS) 664/2022

PRIYANKA SINGH

..... Plaintiff

Through: Ms. Nidhi Mohan Parashar &  
Mr. Anand Chichra, Advs.

versus

GURSAMARJIT SINGH AND ORS. .... Defendants

Through: Mr. Vardhman Kaushik, Adv. for  
D-1&3

Mr. Ayush Singh, proxy cl. for  
D-2 and D-4 to 7

Mr. Vivek Singh & Mr. Ritik  
Dwivedi, Advs. for D-8  
(Mob.9810524584)

**CORAM:**

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA  
MAHENDRA, (DHJS)**

**ORDER**

% **10.01.2024**

**IA No.18531/2023 under Order VIII Rule 1 CPC  
moved by the plaintiff for directions for striking off the  
defence of the defendant no.1&3**

It is already stated by learned counsel for the  
defendant no.1&3 that he does not wish to file any reply to  
the captioned IA and that averments made in the  
application filed by defendant no. 1 to 3 seeking  
condonation of delay, may be read for the same.

Re-notify the captioned IA on 25.01.2024.

**IA No.24376/2023 under Section 151 CPC moved by  
the defendant no.3 seeking condonation of delay in  
filing Written Statement alongwith Affidavit of  
Admission/Denial of the documents; and  
IA No.24377/2023 under Section 151 CPC moved by  
the defendant no.3 seeking condonation of delay in  
re-filing IA No.24376/2023**

As per office note, reply to the captioned IAs filed  
by the plaintiff are lying under objections. It is stated by  
learned counsel for the plaintiff that the reply could not be  
filed within stipulated period as her associate was unwell



and, therefore, it being not filed within time. For this reason, the registry has raised the objection. She also submits that she has also filed an application seeking condonation of delay in filing reply to the captioned IAs, but the same is not on record. At this stage, at oral request of learned counsel for the plaintiff, the delay in filing reply to the captioned IAs is condoned and the plaintiff is directed to take requisite steps to bring replies on record within one week. At request, rejoinder, if any, be filed by the applicant within two weeks with copy to the opposite side.

Re-notify the captioned IAs for completion of pleadings/consideration on 25.01.2024.

**IA No.23725/2023 under Order VIII CPC for condonation of delay in filing Written Statement moved by defendant no. 1; and**  
**IA No.23726/2023 for condonation of delay in re-filing moved by defendant no.1**

As per office note, reply to the captioned IAs filed by the plaintiff are lying under objections. It is stated by learned counsel for the plaintiff that the reply could not be filed within stipulated period as her associate was unwell and, therefore, it being not filed within time. For this reason, the registry has raised the objection. She also submits that she has also filed an application seeking condonation of delay in filing reply to the captioned IAs, but the same is not on record. At this stage, at oral request of learned counsel for the plaintiff, the delay in filing reply to the captioned IAs is condoned and the plaintiff is directed to take requisite steps to bring replies on record within one week. At request, rejoinder, if any, be filed by the applicant within two weeks with copy to the opposite



side.

Re-notify the captioned IAs for completion of pleadings/consideration on 25.01.2024.

**IA No.14319/2023 under Section 5 of Limitation Act moved by the defendant no.4 seeking condonation of delay in filing Written Statement and reply to IA No.15150/2021; and**

**IA No.14320/2023 under section 5 of Limitation Act moved by the defendant no.4 seeking condonation of delay in re-filing IA No.14319/2023**

**IA No.14292/2023 under Section 5 of Limitation Act moved by the defendant no.5 seeking condonation of delay in filing Written Statement and reply to IA No.15150/2021; and**

**IA No.14293/2023 under section 5 of Limitation Act moved by the defendant no.5 seeking condonation of delay in re-filing IA No.14292/2023**

**IA No.14315/2023 under Section 5 of Limitation Act moved by the defendant no.6 seeking condonation of delay in filing Written Statement and reply to IA No.15150/2021; and**

**IA No.14316/2023 under section 5 of Limitation Act moved by the defendant no.6 seeking condonation of delay in re-filing IA No.14315/2023**

**IA No.14317/2023 under Section 5 of Limitation Act moved by the defendant no.7 seeking condonation of delay in filing Written Statement and reply to IA No.15150/2021; and**

**IA No.14318/2023 under section 5 of Limitation Act moved by the defendant no.7 seeking condonation of delay in re-filing IA No.14317/2023**

**Pleadings qua all captioned IAs are already complete.**

Part arguments already heard.

As per office note, the report of the registry is on record.

It is stated by learned counsel for the plaintiff that



she has filed physical copy of pleadings of the captioned IA. The same is not on record. So, the plaintiff is directed to take requisite steps to bring the same on record.

The defendant no.4 to 7 have not filed physical copy of the pleadings of the captioned IA despite opportunity granted on the last date of hearing. So, cost of Rs.500/- is imposed upon the said defendants to be deposited with Delhi High Court Legal Services Committee and last and final opportunity is granted to the said defendants to file the same within one week. The parties have also not filed case laws as directed vide order dated 06.12.2023 and 20.12.2023. The same be also filed within a period of one week with copies to be exchanged.

Adjournment is sought by learned counsel for the applicants on the ground that the main counsel is unwell. So, adjourned the matter for the next date of hearing.

Re-notify the captioned IAs for consideration on 25.01.2024.

**IA No.412/2023 under Order I Rule 10 (2) CPC moved by defendant no.8 for striking out the name of defendant no.8 from array of the parties**

It is pointed out by learned counsel for the parties that on the last date of hearing it was inadvertently recorded that part arguments have been heard in IA No.12502/2023 but in fact part arguments were heard in the captioned IA. It is corrected accordingly.

Further arguments heard. It is strongly argued by learned counsel for the plaintiff that the captioned IA though couched as the application filed for deletion under Order I Rule 10 CPC, in substance, is an application under Order VII Rule 11 CPC and therefore, it cannot be decided



by the undersigned as per Delhi High Court Rules and that the captioned IA may be placed before the Hon'ble Court on date already fixed for consideration.

In view of submission made and at the request of plaintiff, place the captioned IA before the Hon'ble Court on date already fixed i.e. 21.02.2024, for further directions.

**IA No.12502/2023 under Order VIII CPC moved by the defendant no.8 seeking condonation of delay in filing Written Statement**

At request, re-notify captioned IA on 25.01.2024.

**IA No.24036/2023 under Order VII Rule 11 CPC moved by the defendant no.1**

No reply to the captioned IA has been filed by the plaintiff till date.

Re-notify the captioned IA for completion of pleadings on 25.01.2024.

**CS(OS) 664/2022**

Separate Written Statements alongwith Affidavits of Admission/Denial of the documents filed by defendant no.1&3 are already on record. However, applications seeking condonation of delay in filing of Written Statements filed by defendant no.1 and defendant no.3 and application filed by the plaintiff striking of their defence are pending consideration.

Vide order dated 18.10.2023, the Written Statement alongwith Affidavit of Admission/Denial filed by the defendant no.2 was taken off the record.

As per record, Written Statement alongwith Affidavit of Admission/Denial of the documents filed by the defendant no.4, has been placed by the Registry. However, an application for condonation of delay in filing Written Statement and Affidavit of Admission/Denial of



the documents filed on behalf of the defendant no.4 is pending consideration.

As per record, separate Written Statements alongwith Affidavits of Admission/Denial of the documents filed by defendant no.5,6&7, have been placed by the Registry. However, applications for condonation of delay in filing Written Statement and Affidavit of Admission/Denial of the documents filed on behalf of the defendant no.5 to 7 are pending consideration.

As per record, Written Statement alongwith Affidavit of Admission/Denial of the documents filed by the defendant no.8 has been placed by the Registry. However, an application seeking condonation of delay in filing Written Statement filed by the defendant no.8 is pending consideration.

Re-notify the matter for further proceedings on **25.01.2024.**

**PRIYA MAHENDRA (DHJS)**  
**JOINT REGISTRAR (JUDICIAL)**

**JANUARY 10, 2024/ab**

[Click here to check corrigendum, if any](#)