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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 664/2022

PRIYANKA SINGH

..... Plaintiff

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

Versus

GURSAMARJIT SINGH AND ORS.

..... Defendants

Through: Mr. Ajay Kanojiya, proxy cl. for
Mr. Vardhman Kaushik, Adv. for
D-1&3
Mr. Naveen Kumar, Adv. for
D-4 to 7 (joined through VC)
Mr. Ritik Dwivedi & Mr. Vivek
Singh, Advs. for D-8

CORAM:

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

ORDER

% 25.01.2024

**IA No.1910/2024 under Order I Rule 10 CPC moved by
the defendant no.3 for deletion; and
IA No.1911/2024 moved by the defendant no.3 seeking
condonation of delay in re-filing IA No.1910/2024;**

Learned counsel for the plaintiff submits that she
opposes even issuance of notice of the captioned IA and
the same is *per se* not maintainable.

Learned leading counsel for the applicant is not
present today to address the arguments on the captioned
IAs.

Re-notify the captioned IAs for consideration on the
next date of hearing.

**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 the next date of hearing.

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, replies to the captioned IAs filed by the plaintiff are now on record.

Vide order dated 12.12.2023, the Hon'ble Court specifically directed this court to dispose of all the pending applications which are total 15 in numbers within the period of three months. The said period of 3 months will expire on 12.03.2023. Despite the same and order dated 10.01.2024, rejoinder to the replies of plaintiff in the captioned IAs have not been filed by the applicant till date which led to non completion of pleadings. Learned proxy counsel for the applicant/defendant no.3 seeks one more opportunity to file the same. No ground is made out to give further opportunity to the applicant to file the rejoinder. Solely, in the interest of justice and subject to imposition of cost of Rs.1500/- to be deposited with Delhi High Court Legal Services Committee by the defendant no.3, the last and final opportunity is granted to the applicant to file rejoinder within two weeks with copy to the opposite side. It is clarified no further opportunity will be granted on the



next date of hearing.

Re-notify the captioned IAs for completion of pleadings/consideration on the next date of hearing.

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, replies to the captioned IAs filed by the plaintiff are now on record.

Vide order dated 12.12.2023, the Hon'ble Court specifically directed this court to dispose of all the pending applications which are total 15 in numbers within the period of three months. The said period of three months will expire on 12.03.2023. Despite the same and order dated 10.01.2024, rejoinder to the replies of plaintiff in the captioned IAs have not been filed by the applicant till date which led to non-completion of pleadings. Learned proxy counsel for the applicant/defendant no.1 seeks one more opportunity to file the same. No ground is made out to give further opportunity to the applicant to file the rejoinder. Solely, in the interest of justice and subject to imposition of cost of Rs.1500/- to be deposited with Delhi High Court Legal Services Committee by the defendant no.1, the last and final opportunity is granted to the applicant to file rejoinder within two weeks with copy to the opposite side. It is clarified no further opportunity will be granted on the next date of hearing.

Re-notify the captioned IAs for completion of pleadings/consideration on the next date of hearing.

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 record, the report of the registry is already on record.

The learned counsel for the plaintiff has filed Convenience Compliance set today alongwith relevant case-laws. The physical copy of pleadings of captioned IAs filed by the plaintiff are also on record.

It is already 11.15 a.m. None is present on behalf of the applicants either physically or through VC.



At this stage, learned counsel for the applicants/defendant no.4 to 7 has joined the proceedings through VC and submits that he could not comply the last order as he was unwell and seeks one opportunity to file physical copy of pleadings and case laws. He also submits that he will file Convenience Compilation set. In the interest of justice no adverse order is being passed today and the last and final opportunity is granted to comply the order dated 10.01.2024. The applicants is also directed to deposit the previous cost of Rs.500/- with Delhi High Court Legal Services Committee as a last and final opportunity within a period of ten days and also file cost receipt with the registry.

Adjournment is sought by learned counsel for the applicants on the ground that he has recovered from his illness recently.

At request of the applicants, re-notify the captioned IAs for consideration on the next date of hearing.

It is clarified that now last and final opportunity is granted to all the parties for completion of pleadings and address arguments in all pending captioned IAs in view of order dated 12.12.2023.

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

Re-notify captioned IA on the next date of hearing.

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



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
14.02.2024 at 12.00 noon.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 25, 2024/ab
[Click here to check corrigendum, if any](#)