



\$~23

*

+

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. Defendant

Through: Mr. Vardhman Kaushik & Mr.
Mayank Sharma, Advs. for D-
1&3
Mr. Naveen Kumar, Adv. for D-
2 & 4 to 7
Mr. Vivek Singh & Mr. Ritik
Dwivedi, Advds. For D-8

CORAM:

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

ORDER

% **15.03.2024**

**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**

**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**

**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 moved by the defendant no.1 seeking
condonation of delay in re-filing IA No.23725/2023**

1. By this common order, I hereby decide all the captioned IAs, which are interconnected to each other.
2. In the captioned IA i.e. IA No.18531/2023, the plaintiff has sought that the right of defendant no.1&3 to



file Written Statement may be ordered to be closed due to lapse of more than 120 days between the date of service of summons upon the defendant no.1&3 and filing of Written Statement by defendant no.1&3. It is stated that the Hon'ble Court vide order dated 20.10.2022, directed registration of the captioned matter as an ordinary civil suit and issued summons qua all the defendants. It is further stated that vide order dated 26.04.2023, this court has held service of defendant no.1 complete through email dated 19.04.2023. On the very next date of hearing i.e. 03.05.2023, the defendant no.1 entered appearance through counsel but failed to file Written Statement within the statutory period of limitation. The time for filing Written Statement qua defendnat no.1 commenced on 19.04.2023 and 120th day expired on 17.08.2023, whereas Written Statement was filed by defendant no.1 on 18.09.2023.

2.1 In respect of service of defendant no.3, it is stated that vide order dated 18.05.2023, this court held service of defendant no.3 complete through WhatsApp dated 02.05.2023. It is further stated that the defendant no.1&3 are husband and wife, and reside together at the same address and are being represented by the same counsel. Despite service of defendant no.3 on 02.05.2023, the Written Statement was filed by defendant no.3 only on 18.09.2023. So, it is stated that the delay in filing Written Statement by defendant no.1&3 is beyond the period of 120 days from the date of service. The learned counsel for the plaintiff has heavily relied on the judgement rendered in 1) ***Charu Agarrwal Vs. Alok Kalia & Ors***, (2023 SCC OnLine Del1238) and 2) ***Col. Ashish Khanna SM Retd.***



Vs. Delhi Gymkhana Club and Ors, decided on 05.09.2023 in CS(OS) 171/2022.” to contend that the court has no discretion to condone the delay in filing Written Statement by defendant no.1&3 in view of inordinate delay beyond the period of 120 days from the date of service of summons.

3. The defendant no.1&3 have not filed separate reply to aforesaid IA No.18531/2023 filed on behalf of the plaintiff. In fact, the defendant no.1 has filed IA No.23725/2023 seeking condonation of delay in filing Written Statement alongwith IA No.23726/2023 seeking condonation of delay in re-filing IA No.23725/2023. Similarly, defendant no.3 has filed IA No.24376/2023 seeking condonation of delay in filing Written Statement alongwith IA No.24377/2023 seeking condonation of delay in re-filing IA No.24376/2023.

4. The defendant no.1 has urged in his application seeking condonation of delay in filing Written Statement i.e. IA No.23725/2023 that defendant no.1 has not received any summons or copy of the proceedings from the plaintiff as required under law till date. It is submitted that defendant no.1 came to know about the present proceedings only in the second week of July, 2023 through defendant no.2 after counsel of defendant no.2 appeared and took note of the present matter on 03.05.2023. The defendant no.1 has also stated that he is not using the email address mentioned in the petition and is using the following address, email address and phone number:

“Address: R/o 1A, Hyde Park Gate, London UK-Sw75ew



Email: Sam@sam-singh.com
Phone-07944186802.”

So, it is stated that no service of summons has been effected on the active mobile number and email address of the applicant/defendant no.1. It is thus contended that the limitation period to file Written Statement under the Commercial Courts Act, 2015 (hereinafter referred to as Commercial Courts Act) has not started but the present application is filed seeking condonation of delay by way of an abundant caution. The applicant has further urged that after gaining knowledge from defendant no.2 in the month of July, 2023, it took some time to collect material from defendant no.2. Thereafter, applicant took time to find a suitable lawyer to instruct him to file Written Statement. On these grounds, it is stated that the delay in filing Written Statement, if any, on the part of defendant no.1 is neither deliberate nor intentional.

5. The defendant no.1 has also contended that the plaintiff herein has filed an application i.e. IA No.15150/2021 under Section 12A of the Commercial Courts Act, which is pending. The learned counsel for the defendant no.1 has relied on the judgement passed by Hon'ble Supreme Court of India in a case of **“Patil Automation (P) Ltd. Vs. Rakheja Engineers (P) Ltd., (2022) 10 SCC 1”** to urge that in view of non-compliance of Section 12A of the Commercial Courts Act by the plaintiff, the statutory period of limitation for filing Written Statement has not yet commenced. It is further stated that unless the plaintiff exhausts the remedy of pre-



institution mediation, the present suit cannot proceed. So, it is contended that no occasion has arisen for defendant no.1 to file the Written Statement. However, by way of abundant caution, the Written Statement has been filed, which is within limitation. In the prayer clause, the defendant no.1 has sought condonation of delay of 14 days in filing the application for condonation of delay in filing the Written Statement.

6. Nearly on the same grounds as the defendant no.1, the defendant no.3 has sought condonation of delay in filing the Written Statement with the same prayer.

7. The applications filed by defendant no.1&3 are strongly opposed by learned counsel for the plaintiff by filing the detailed reply. It is stated that the application under response is liable to be rejected for the blatant inconsistency in its nomenclature (title), provision of law under which relief is sought (Order VIII, CPC) vis-à-vis the actual prayer sought thereunder. While the application is couched as one seeking condonation of delay in filing written statement under Order VIII of the Code of Civil Procedure, 1908, the prayer on the other hand seeks orders condoning delay of 14 days in filing the application for condonation of delay. It is stated that there is no prayer for condonation of delay in filing the Written Statement. In light of the said obvious incongruity in the Application, it is strongly argued that the same merits summary rejection by this Hon'ble Court at the outset.

7.1 Further, it is stated that the order dated 26.04.2023 passed by this court holding due service of defendant no.1 through email dated 19.04.2023 has attained finality



having not been assailed by answering defendant. Therefore, 120th day from service of summons expired on 17.08.2023, whereas Written Statement of defendant no.1 was filed much later in point of time on 18.09.2023. Furthermore, the record clearly reflects that on 03.05.2023, the defendant no.1 entered appearance through counsel before this court. Similarly, the order dated 18.05.2023 holding due service of defendant no.3 through WhatsApp dated 02.05.2023 has attained finality having not been assailed by answering defendant. Therefore, 120th day from service of summons expired on 30.08.2023, whereas Written Statement of defendant no.3 was filed much later on 18.09.2023.

7.2 It is further stated that averments as to receipt of knowledge of the present petition by defendant no.1&3 through defendant no.2 or those pertaining to the counsel for the defendant no.2 entering appearance on behalf of defendant no.1 without instructions are concocted and liable to be disbelieved. It is urged that for this reason, no document has been filed in support of any communication between defendant no.1 and defendant no.2 or his counsel. It is also denied in the reply that the defendant no.1 is not using the email address mentioned in the suit, It is mentioned that the email address through which service of summons was held complete was being used by defendant no.1 as per its showing in communications with ICICI Bank qua proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act of 2002. The documents evidencing these facts are on the record of this Hon'ble Court, basis



which orders have been passed in relation to summons qua defendant no.1. A copy of the said letter dated 19.01.2022 is also annexed by the plaintiff alongwith reply. The plaintiff has, further, denied that no service has been received by defendant no.3 on the active number or e-mail address of defendant no.3. It is reiterated that the WhatsApp number upon which service of summons was held complete was in continuous use by defendant no.3.

7.3 It is further stated that the application under response further merits rejection, owing to the lack of any merit in the misconstrued and self-serving reliance by defendnat no.1&3 on the ground of pendency of IA No.15150/2021. It is stated that IA No.15150/2021 was preferred by the plaintiff alongwith the suit, attributing it as being commercial in nature, seeking exemption from pre-litigation mediation under Section 12A of the Commercial Courts Act. However, upon admission and subsequent directions for registration of the suit by this Hon'ble Court vide order dated 20.10.2022, the same was registered as an ordinary civil suit. Accordingly, IA No.15150/2021 became infructuous and was appropriately 'dismissed as withdrawn' without objection by the Hon'ble Court vide its order dated 12.12.2023. So, it is urged that no benefit accrued in favour of defendant no.1, since the present suit was never registered as a commercial suit, to which provisions of the Commercial Courts Act were never applicable. It is also urged that further, in any case, the present suit was filed with an application for urgent relief and therefore, even as per Commercial Courts Act, the same was properly instituted without mediation.



7.4 It is strongly contended that further, the reliance of defendant no.1&3 on the pendency of IA No.15150/2021 is completely bogus in view of the fact that defendant no.1 is bound by the summons received by him from this Hon'ble Court. A bare perusal of such summons evidence that the same were issued under the Code of Civil Procedure, 1908 pursuant to the present proceedings having been registered as an ordinary civil suit.

8. Learned counsel for the plaintiff has also stated that judgement of ***Patil Automation (supra)*** has no application to the facts of the present case as the present suit is registered as an ordinary civil suit. In the alternative, it is stated that even otherwise, non-compliance of Section 12A of Commercial Courts Act would have resulted in accrual of a right in favour of the defendant no.1&3 to seek rejection of plaint under Order VII Rule 11 of CPC as per judgment of ***Patil Automation (supra)***. This in no manner touches upon the settled law prescribing the period of limitation for filing Written Statement. Reliance is placed on judgment of “(i) ***SCG Contract (India) (P) Ltd. Vs. K.S. Chamankar Infrastructure Private Limited & Ors, (2019) 12 SCC 210***”. “(ii) ***Star Mount Beverages Ltd. Vs. Bobby Kumar, MANU/DEOR/241664/2023*** and “(iii) ***Santosh Kumar Aggarwal Vs. Aluco Patel Ltd., MANU/DE/4273/2023***”. So, it is contended that the Written Statement has been apparently filed beyond the period of 120 days and therefore, applications filed by the defendant no.1&3 seeking condonation of delay in filing Written Statement deserve outright dismissal.

9. In the rejoinder, the defendant no.1&3 have



reiterated plea of defective service and non-compliance of Section 12A of Commercial Courts Act on the part of the plaintiff and contended that the limitation period to file Written Statement under the Commercial Courts Act has neither started nor expired. He has also stated that there occurred a typographical error in the prayer clause and the defendant no.1&3 have sought condonation of delay of 14 days in filing the application for condonation of delay and in filing Written Statement.

10. Both defendant no.1&3 have also sought condonation of delay of 30 days in re-filing the condonation of delay application in filing the Written Statement by filing separate applications i.e. IA No.23726/2023 and IA No.24377/2023 on the ground that the defendant no.1&3 were not able to apostille Affidavit as they were not in London, UK at the time of filing of Written Statement though they are residents of London, UK. In view of the same, the process took substantial time which led to delay of 31 days in re-filing the application.

10.1. For opposing the captioned IAs, it is stated by learned counsel for the plaintiff that the applications under response have been filed by defendnat no.1&3 seeking condonation of 31 days of delay in re-filing application for condonation of delay in filing Written Statement. It is stated that it merits rejection for its failure to set forth any cogent ground for allowing relief sought by the defendant no.1&3. The defendant no.1&3 are guilty of the mala fide suppression of material facts. Although the application under response states the date of filing i.e., 16.09.2023,



however, defendant no.1&3 have refrained from stating the following material particulars to grant this Hon'ble Court an opportunity to determine the veracity of the cause set out for delay:

- a. The nature of defects marked by the registry.
- b. The dates of defendant no.1&3's alleged absence from London.

It is urged that the suppression of the such material facts appears to be a conscious decision to mask the deliberate inaction, laxity and lack of bona fides on part of defendant no.1&3.

It is further stated that the application under response is further liable to be rejected since no documentary proof has been placed on record in support of the reasons stated for the delay in refiling. While the cause stated pertains to defendant no.1&3's absence from London, there is no explanation as to the dates of such travel or any document in support of such averment. Therefore, it is argued that the application under response merits rejection for not stating sufficient cause to condone the delay.

11. I have carefully considered the detailed rival submission made at Bar and perused the records.

12. The order dated 25.04.2023 categorically records that the defendant no.1 has been served with summons of the suit through email. The said email is dated 19.04.2023. The defendant no.1 has disputed his service through email placed on record by the plaintiff in the plaint by contending that he is not using the email address furnished by the plaintiff in the plaint. He has further provided his postal address, email address and phone number. Notably,



only bald submission has been made by the defendant no.1 of not using the email address of defendant no.1 placed on record by the plaintiff. On the other hand, learned counsel for the plaintiff has filed Affidavit of Service dated 24.04.2023, wherein it is categorically stated that the email of defendant no.1 i.e. samar@groupagni.com on which the plaintiff has got the service of summons effected through email upon the defendant no.1, was himself provided by the defendant no.1 to ICICI Bank while availing the loan. It is available in the judicial file of SARFAESI proceedings against him/defendant no.1 and the plaintiff has also filed the copy of said proceedings/reply dated 19.01.2022, before this court. In the reply dated 19.01.2022, which is on record, the defendant no.1 has communicated the same email ID i.e. samar@groupagni.com as an email ID for communication to ICICI Bank. So, it does not lie in the mouth of defendant no.1 to contend now that he was not using the said email address on the date of service and was using another email address. The bald and unsubstantiated submission made by the defendant no.1 regarding not using the said email address is not believable and appears to have been taken as an afterthought. It also noteworthy that after this court held the service of defendant no.1 complete vide order dated 26.04.2023, the proxy for defendant no.1 appeared on 03.05.2023 before the Hon'ble Court and sought some time to file his Vakalatnama on behalf of the defendant no.1. It also substantiates the factum of service of defendant no.1 through email on 19.04.2023, pursuant to which the counsel for the



defendant no.1 appeared before the Hon'ble Court. Again, the defendant no.1 has tried to disown the presence of his counsel before the Hon'ble Court on 03.05.2023. The defendant no.1 has tried to project in captioned IA bearing IA No.23725/2023 that none appeared on behalf of defendant no.1 on 03.05.2023 and he received the information from the defendant no.2 in July, 2023. The Order dated 03.05.2023 clearly reflects the presence of counsel for the defendant no.2 as a proxy counsel for the defendant No.1 and if, the defendant no.1 has not instructed the counsel to appear on his behalf on 03.05.2023 as now stated by him, it is reasonably expected for him to have some sort of communication with the counsel at least objecting to his appearance on his behalf before the court on 03.05.2023 and if not a formal complaint against him for professional impropriety. However, no communication between the defendant no.1 and the said counsel is placed on record by the defendant no.1 [See ***Pandit Gopal Prasad Shastri & Anr. Vs. Subhash Chand Verma & Ors***, decided on 21.05.2014 by the Hon'ble Delhi High Court in FAO No.438/2012 and CM No.18197/2012). In absence of the same, the presence of counsel for the defendant no.1 on 03.05.2023 on behalf of the defendant no.1 cannot be questioned by the defendant no.1 at this juncture. So, the defendant no.1 has been duly served through email dated 19.04.2023 and thus, the limitation period for filing the Written Statement and Affidavit of Admission/Denial of the documents is to be reckoned from 19.04.2023. The defendant no.1 has also contended in the captioned IA that he has not received



copy of complete paper book from the counsel for the plaintiff and it took him time to collect the material from the defendant no.2 and also time was consumed in arranging a suitable lawyer. This is furnished as a reason for not filing the Written Statement and Affidavit of Admission/Denial of the documents within statutory period of 30 days of service of summons. This contention is to be again taken with a pinch of salt. Most importantly, the counsel for the defendant no.1 has never made any statement regarding not receiving summons and paper book in the court before raising the said contention in the captioned IA and also not sought any direction from the court to plaintiff to supply the paper book to counsel for the defendant no.1. Moreover, the counsel already appeared for the defendant no.1 on 03.05.2023 before the Hon'ble Court as a proxy counsel and thereafter, another counsel also appeared on 13.07.2023. However, both the said counsels did not file their Vakalatnama and defendant no.1 then chose to engage third counsel, who finally appeared on 11.09.2023. So, the defendant no.1 kept on changing his counsels from 03.05.2023 onwards and now seeks consumption of time taken for engaging counsel as a reason for not filing the Written Statement and Affidavit of Admission/Denial of the documents within statutory period of time. Thus, the defendant no.1 has completely failed to furnish any plausible, cogent or sufficient cause for not filing the Written Statement within the prescribed period of limitation.

13. I am also constrained to note herein that the applicant/defendant no.1 has filed cryptic and obscure



application. Chapter X, Rule 2 sub rule (c) of Delhi High Court (Original Side) Rules, 2018 clearly provides that where the interlocutory application is filed for condonation of delay, the exact period of delay and the reasons thereof shall also be clearly stated in the application. The applicant/defendant no. 1 has nowhere mentioned the date of filing of the Written Statement in the entire application. Moreover, no prayer has been made in IA No.23725/23 seeking condonation of delay in filing Written Statement. In the rejoinder, the applicant has contended that he has sought condonation of delay of 14 days in filing the Written Statement. However, the application is completely silent as to how the delay of 14 days is computed. The e-filing log reflects that the Written Statement has been filed by the defendant no.1 on 16.09.2023 and his service was complete on 19.04.2023. So, there is a lapse of more than 120 days between the date of service of summons and filing of the Written Statement by the defendant no.1.

13.1 The learned counsel for the defendant no.1 has stoutly argued during the course of submissions that in view of non-compliance of Section 12A of the Commercial Courts Act by the plaintiff, no occasion has arisen for the defendant no.1 to file Written Statement and therefore, the Written Statement alongwith Affidavit of Admission/Denial of the documents filed by defendant no.1 is not barred by time. He has placed strong reliance on judgement of ***Patil Automation (P) Ltd. (supra)*** to fortify his submission. This contention may seem attractive at the first blush but loses its sheen on further scrutiny. The



Hon'ble Court vide order dated 20.10.2022 directed issuance of Summons of the suit as well as Notice of application no.15150/2021 filed under Section 12A of Commercial Courts Act, 2015 upon the defendants. Pursuant thereto, the summons have been issued, which have been duly served upon the defendants. So, the defendants are bound to file the Written Statement alongwith Affidavit of Admission/Denial of the documents after receipt of summons as per Chapter VII, Rule 2 of Delhi High Court (Original Side) Rules. The judgement ***Patil Automation (P) Ltd. (supra)*** rendered by the Hon'ble Supreme Court of India held Section 12A of the Commercial Courts Act mandatory and further, laid down the preposition that any suit instituted violating the mandate of Section 12A must be visited with rejection of plaint under Order VII Rule 11 CPC. This preposition is also supported by the other judgements relied on by learned counsel for the plaintiff namely i) ***Star Mount Beverages Ltd. (supra)*** and ii) ***Santosh Kumar Aggarwal (supra)***. So, non-compliance of Section 12A of Commercial Courts Act only entails rejection of plaint under Order VII, Rule 11 CPC. Further, in judgement of ***SCG Contract (India) (P) Ltd. (supra)***, the Hon'ble Supreme Court of India clearly held that right to file or pendency of an application under Order VII Rule 11 CPC by the defendant would not impact the statutory period of limitation for filing Written Statement. So, the contention of the defendant that in view of pendency of Section 12A of Commercial Courts Act filed by the plaintiff, the period for limitation for filing Written Statement was impacted or



suspended is completely devoid of merit. In ***Ms. Charu Agarwal Vs. Mr. Alok Kalia & Ors.***, 2023/DHC/001454, the Hon'ble Court of Delhi clearly held that the defendant is not entitled to file Written Statement beyond 120 days of service in any circumstances whatsoever in view of language employed in Rule 4 of Chapter VII of Delhi High Court (Original Side) Rules. The limitation period of 120 days for filing Written Statement on behalf of the defendant no.1 has already expired when the Written Statement filed by defendant no.1. So, the Written Statement alongwith Affidavit of Admission/Denial of the documents having been filed by the defendant no. 1 beyond 120 days of service is clearly time barred and the same is ordered to be taken off the record.

14. Similarly, the defendant no.3 has made a bald submission that he has not received service on the active mobile number and email address of the applicant/defendant no.3. Importantly, he has not categorically stated that the number of which the WhatsApp service has been effected and accepted by the court as a due service does not belong to the defendant no.3. The contention of the defendant no.3 of not receiving the complete paper book is also falsified from the record. On no occasion, any direction was sought by the defendant no.3 from the court to the plaintiff to supply the complete paper book to the defendant no.3. The defendant no.3 has also miserably failed to show any sufficient or cogent reason for not filing the Written Statement within statutory period of limitation. The application filed by the defendant no.3 is as cryptic as the defendant no.1 and suffers from



the same defects as are found in the application of defendant no.1. It also cannot be lost sight of that both defendant no.1&defendant no.3 are husband and wife, who are living together, and being represented by the same counsel. The defendant no.3 has been duly served through WhatsApp on 02.05.2023 and thus, the limitation period for filing the Written Statement alongwith Affidavit of Admission/Denial of the documents is to be reckoned from 02.05.2023. However, Written Statement has been filed by defendant no.3 only on 16.09.2023. As stated above, in the judgement of **Ms. Charu Agarwal(supra)**, the Hon'ble High court upheld the inviolability of hard stop period of 120 days for filing the Written statement under Rule 4 of Chapter VII of Delhi High Court (Original Side) Rules. The limitation period of 120 days for filing Written Statement on behalf of the defendant no.3 has already expired on the date of filing Written Statement. So, the Written Statement alongwith Affidavit of Admission/Denial of the documents filed by the defendant no.3 is clearly time barred and the same is ordered to be taken off the record.

15. Accordingly, both the captioned IAs bearing IAs no. 23725/2023 filed by defendant no.1 and IA No.24376/2023 filed by defendant no.3, both seeking condonation of delay in filing Written Statement alongwith Affidavit of Admission/Denial of the documents are dismissed and disposed of.

16. As to the applications filed by the defendant no.1&3 bearing IA No.23726/2023 & IA No.24377/2023, both seeking condonation of delay in re-filing an application seeking condonation of delay in filing Written Statement,



both defendant no.1&3 have given general and unspecific grounds seeking condonation of delay in re-filing the same. It is stated in the application that the applicant resides in London and at the time of filing the Written Statement, he was not in London due to which he was not able to apostille the affidavits and in view of the same, the process took substantial time which led to delay of 31 days in re-filing the application for condonation of delay. Both defendant no.1&3 have not stated the specific time period of absence of the said defendants from London and also not filed any document to substantiate the contention that applicant was not available in London at the relevant time. Furthermore, it is stated in the applications that the absence of said defendants from London led to delay in filing Apostille Affidavit. However, Defects Summary of the registry does not show any objection was raised regarding non filing of Apostilled Affidavit by the said defendants and the defects pointed out by the registry were not removed within the prescribed time by defendant no.1&3 for which no explanation is furnished by the defendants. The defendant no.1&3 are bound to give sufficient reasons for not removing the objections within the prescribed time and not taking expeditious steps for bringing the application for condonation of delay in filing Written Statement on record. So, the aforesaid applications lack substance and merits and both captioned IAs bearing IA No.23726/2023 & IA No.24377/2023 are, accordingly, dismissed and disposed of.

In view of the aforesaid reasons, the application filed by the plaintiff bearing IA no.18531/2023 under



Order VIII Rule 1 CPC for directions for striking off the defence of the defendant no.1&3 is allowed as prayed for. Accordingly, this application is also disposed of.

IA No.5889/2024 under Section 5 of Limitation Act moved by the plaintiff seeking condonation of delay in filing replies to IA No.1910/2024 & 1911/2024

Heard. In view of reasons mentioned in the application, the captioned IA stands allowed to the extent that the delay, if any, in filing replies to IA No.1910/2024 & IA No.1911/2024 by the plaintiff is condoned and the same are allowed to be taken on record. Accordingly, the captioned IA stands disposed of.

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;

Replies of the captioned IA filed by the plaintiff are taken on record vide order of even date. At request, rejoinder, if any, be filed by the applicant/defendant no.3 within two weeks with copy to the opposite side.

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.

Further arguments heard.

Both the parties are directed to file relevant case laws in support of their respective submissions within one week with copy to the other side.

Re-notify the captioned IA for orders on 27.03.2024.

IA No.6207/2024 under Section 5 of Limitation Act moved by the plaintiff seeking condonation of delay in filing reply to IA No.12502/2023

Learned counsel for the defendant no.8 accepts notice of the captioned IA and submits that he has no objection to the captioned IA.

Heard. In view of reasons mentioned in the application, the captioned IA stands allowed to the extent that the delay, if any, in filing reply to IA No.12502/2023 by the plaintiff is condoned and the same is allowed to be taken on record. Accordingly, the captioned IA stands disposed of.

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

Reply filed by the plaintiff is allowed to be taken on



record vide order of even date. However, it is found that the reply filed by the plaintiff is under objections. Learned counsel for the plaintiff is directed to take requisite steps expeditiously to bring reply on record. At request, rejoinder to the same be filed by the applicant within two weeks with copy to the opposite side.

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

CS(OS) 664/2022

Vide order of even date, the applications filed by the defendant no.1 and defendant no.3 seeking condonation of delay in filing Written Statement alongwith Affidavit of Admission/Denial of the documents and applications seeking condonation of delay in re-filing the said applications seeking condonation of delay in filing Written Statement have been dismissed. The separate Written Statements alongwith Affidavits of Admission/Denial of the documents filed by defendant no.1 and defendant no.3 are, accordingly, directed to be taken off the record.

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 or 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 27.03.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)

MARCH 15, 2024/ab

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