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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 and Mr. Anand
Chichra, Advs.**

versus

GURSAMARJIT SINGH AND ORS.Defendants

Through: **None for D-1 and 3
Mr. Naveen Kumar,
Adv. for D-2, 4 to 7
(through VC)
Mr. Vivek Singh and Mr.
Ritik Dwivedi, Advs. for
D-8**

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. SHUCHI
LALER (DHJS)**

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**ORDER
27.09.2024**

**IA No. 12502/2023 u/O VIII R.1 CPC for condonation
of delay in filing written statement by defendant no.8**

1. Pleadings are complete.
2. In para no.5 of the captioned IA, defendant no.8 has averred that he has not been served with the copy of the suit till now and has only been served with the copy of IPA Number 3 of 2021 dated 16.11.2021 vide email dated 02.12.2022 by the plaintiff's counsel.
3. Learned counsel for plaintiff submits that the plaintiff had initially filed an application u/O XXXIII



Rule 1 CPC along with the plaint, hence the present matter was registered as IPA No. 3 of 2021, which was subsequently directed to be registered as a regular suit vide order dated 20.10.2022 by the Hon'ble Court.

4. Learned counsel for plaintiff submits that he had supplied to defendant no.8 the complete paper book, however, in the title thereon, IPA _____ of 2021 was mentioned instead of CS (OS) 664/2022.

5. A question has been put to learned counsel for defendant no.8 whether he was supplied with the copy of the plaint as mentioned at serial no.6 of master Index Volume I and of remaining documents as mentioned in Index number I to IV dated 16.11.2021.

6. Learned counsel for defendant no.8 submits that he has received the entire set of documents as mentioned in Index no. I to IV dated 16.11.2021 including the document mentioned at serial no.6 of Volume I master Index, however, in the title, it was mentioned as IPA No. _____ of 2021. He further submits that as in the title, only IPA No. _____ of 2021 was mentioned, hence, he has not been supplied with the complete paper book.

7. Learned counsel for defendant no.8 has been asked whether any request was made by him to learned counsel for the plaintiff seeking clarification regarding supply of IPA No. _____ of 2021 or for supply of complete paper book from the date of service i.e. 02.12.2022 till date through email or through any other mode, to which he submits that no such request has been made except the said averment being made in the captioned IA.



8. Part arguments heard
9. Re-notify the matter for further arguments/orders on 23.10.2024.

**SHUCHI LALER (DHJS),
JOINT REGISTRAR (JUDICIAL)
SEPTEMBER 27, 2024/cd**

Click here to check corrigendum, if any