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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 120/2017

M/S. ABW - SUNCITY PROJECTS

..... Plaintiff

Through **Ms. Anubha Agarwal & Mr. Ambuj
Agarwal, Advs.**

versus

M/S. AHLCONS INDIA PVT LTD AND ANR

..... Defendant

Through **Mr. Raunak Sapathy, Adv. for D-1
Mr. Neeraj Yadav, Adv. for D-2**

CORAM:

**SANJEEV AGGARWAL (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% 12.07.2017

**CS(COMM) 120/2017 and IA No.2093/2017 u/O XXXIX R1&2
CPC**

Learned counsel for the defendant no.1 submits that he has already filed written statement/counter claim alongwith an application for condonation of delay vide diary nos.13583 dated 03.07.2017 and 310857 dated 10.07.2017. However it is pointed out that neither the said written statement nor the said application for condonation of delay have come on record. He undertakes to check up with the Registry and get the same placed on record. He is also directed to supply copies of his written statement/counter claim as well as the application for condonation of delay application to learned counsel for the plaintiff within two days. Thereafter plaintiff may file reply to the said condonation application within four weeks with advance copies thereof to the opposite side, who may file rejoinder to the said

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condonation application within two weeks. Thereafter defendant no.1 also seeks four weeks time to file reply to the captioned IA. Allowed in the interest of justice. Advance copy of the same be supplied to opposite side, who may file rejoinder thereof within two weeks thereafter.

As regards defendant no.2, it is stated that there is 12 days delay in filing of the written statement. Copy of the written statement has also been supplied to learned counsel for the plaintiff. It is stated by learned counsel for the defendant no.2 that an application for condonation of delay is ready, but it is submitted that same can be allowed orally only as there is no need to file written application. Strongly opposed. Allowed as the delay is minor in nature. Replication to the written statement of defendant no.2 may be filed within two weeks. Learned counsel for the defendant no.2 further submits that he does not wish to file reply to the captioned IA and the contents of his written statement may be considered as reply to the captioned IA.

Re-notify for completion of pleadings on 09.10.2017.

SANJEEV AGGARWAL (DHJS)
JOINT REGISTRAR (JUDICIAL)

JULY 12, 2017/ab