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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 643/2023
SUNITA JAIN

.....Plaintiff

Through: Ms. Ritu Chhabra, Adv.

versus

MALA DEVI JAIN & ORS.

.....Defendants

Through: Ms. Kriti Dang, Adv. for D1, 3 & 5
(Through VC)
Mr. Vishal Choubey, Adv. for D2
(Through VC)
Mr. Shantnu Aggarwal, Adv. for D4
(Through VC)

CORAM:

DR. JAGMINDER SINGH (DHJS) JOINT REGISTRAR (JUDICIAL)

ORDER

% **16.08.2024**

I.A. No. 6905/2024 & I.A. No. 6906/2024

Applications on behalf of defendant no. 4 for condonation of delay in filing and re-filing the written statement respectively.

Reply has already been filed opposing the applications.

Heard. I have considered the submissions and have gone through the contents of the applications. Defendant no. 4 was served on 28.11.2023 and written statement was initially filed on 27.01.2024. Thereafter, it remained under objections and finally objections were removed on 18.03.2024.

In view of the facts and circumstances and reasons mentioned in the applications, the delay in filing and re-filing the written statement on behalf



of defendant no. 4 stands condoned subject to a cost of Rs. 3,000/- (in total) to be given to the opposite party.

Both the captioned IAs are allowed and **disposed of**.

I.A. No. 9921/2024 & I.A. No. 9949/2024

Applications on behalf of defendant no. 1, 3 & 5 for condonation of delay in filing and re-filing the written statement respectively.

Reply has already been filed on behalf of the plaintiff. She further submitted that the initial written statement was filed on 29.02.2024 after service on 24.11.2023, however, it was returned under objections on 29.02.2024 and thereafter re-filed on 15.04.2024. It is submitted by learned counsel for defendant no. 1, 3 & 5 that there was some factual changes and accordingly, she had filed the list of documents later on. At this, learned counsel for plaintiff submitted that list of documents were filed beyond the period of 120 days as admitted by the learned opposite counsel.

At request of learned counsel for defendant no. 1, 3 & 5 let rejoinder be filed within two weeks, with advance copy to the opposite party.

At request of learned counsel for plaintiff, let copy of I.A. No. 9949/2024 be also supplied to her.

Put up for completion of pleadings in these IAs before the next of hearing.

I.A. No. 36597/2024(Application on behalf of the defendant no.2 under Section 151 of CPC for seeking exemption from filing certified/translated copies of documents and typed copies of dim documents)

Exemption allowed, subject to all just exceptions.

Hence, the captioned I.A. stands **disposed of**.

I.A. No. 36608/2024(Application for condonation of delay in filing the



written statement on behalf of defendant no. 2)

Issue notice. Notice accepted by learned counsel for plaintiff.

Let reply be filed within four weeks, with advance copy to the opposite party and rejoinder thereto, if any, may also be filed within two weeks thereafter so that pleadings may be completed in this IA before the next date of hearing.

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Written statement on behalf of defendant no. 4 be taken on record.

Put up for completion of pleadings in accordance with law for 20.11.2024.

**DR. JAGMINDER SINGH (DHJS)
JOINT REGISTRAR (JUDICIAL)**

AUGUST 16, 2024/sms

Click here to check corrigendum, if any