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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 557/2024, I.A. 48281/2024, I.A. 48282/2024, I.A.
33673/2024

PAWAN KUMAR

.....Plaintiff

Through: Mr. Mohit Gupta, Ms. Meenakshi Garg,
Adv.

versus

SANDEEP KUMAR & ANR.

.....Defendant

Through: Mr. Arijeet Banerjee, Adv. for D-1
(Through VC)
Mr. Rajesh Gogna alongwith Mr. Nishant
Sharma, Adv. for D-35

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

% **10.02.2025**

Matter is taken up through physical hearing as well as video conferencing.

As per previous orders and file notings, defendant no.2 had been duly served with summons in August 2024 but she has neither appeared nor filed any Written Statement till date. Limitation period for filing Written Statement has already expired. Hence, **right of defendant no.2 to file Written Statement stands closed.**



I.A. 48281/2024 (Application u/S. 5 of Limitation Act r/w Order VIII Rule 1 r/w Sec. 151 CPC filed by defendant no.1)

I.A. 48282/2024 (Application u/S. 151 CPC filed by defendant no.1)

Ld. Counsel for plaintiff has stated that he has no objection to the Applications without prejudice to his rights and contentions on merits. Ld. Counsel for plaintiff has further stated that the Written Statement of defendant no.1 is not supported with any affidavit of admission/denial qua the documents of plaintiff.

Heard. Keeping in view the facts and circumstances mentioned in both the applications, both the applications stand allowed and delay in filing and re-filing Written Statement is condoned. Both **I.As stand disposed off.**

Written Statement is taken on record subject to removal of objections raised by the Registry and subject to filing affidavit of admission/denial qua documents of plaintiff within one week, failing which right of defendant no.1 to file affidavit of admission/denial to documents of plaintiff will be closed. Since the defendant no.1 has caused delay by not filing the complete Written Statement within prescribed limitation period and by not filing affidavit of admission/denial, defendant no.1 is burdened with cost of Rs. 10,000/- to be deposited in Delhi High Court Legal Services Committee within one week. Thereafter, Replication may be filed by plaintiff within prescribed limitation period with advance copy to the opposite party.



I.A. 33673/2024 (Application u/O XXXIX Rule 1 and 2 CPC filed by plaintiff)

Ld. Counsel for defendant has stated that he does not wish to file Reply and his Written Statement may be considered as Reply to this application.

Matter is already coming up before Hon'ble Court on 17.02.2025.

**TYAGITA SINGH, (DHJS),
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 10, 2025/sm