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

+ **CS(OS) 537/2019**

DEVENDER KADIAN Plaintiff

Through Mr.Arun Khatri, Adv.

versus

HARYANA NEWS & ORS. Defendants

Through Mr. Manik Dogra, Sr. Adv. with
Mr.Manish Baidwan for
Appellants/Defendants 1 & 3.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **20.01.2022**

The hearing has been conducted through video conferencing.

I.A. 1149/2022 (exemption)

1. In view of the reasons mentioned in the application, the delay of 18 days in refilling O.A. 4/2022 is allowed.
2. Application is disposed of.

O.A.4/2022

3. The present appeal has been filed by defendant Nos.1 and 3 under Chapter II Rule 5 of Delhi High Court (Original Side) Rules, 1967 r/w Section 151 of the CPC challenging the order dated 05.11.2020 passed by learned Joint Registrar whereby the right of defendant Nos.1 and 3 to file written statement was closed.
4. The relevant portion of impugned order is as under:



“Defendant No.1 & 3 have not filed their response to the suit of plaintiff till date. Record reveals that defendant No.1 & 3 made appearance through counsel in the Court on 28.01.2020. Statutory period prescribed in CPC for filing of written statement by defendant No.1 & 3 has already expired. Hence, opportunity given to them for filing of written statement is hereby closed.”

5. Notice issued.
6. Learned counsel for plaintiff accepts notice and has opposed the present appeal.
7. However, in view of the reasons stated in the present appeal, I hereby grant four weeks' time to defendant Nos.1 and 3 to file written statement before learned Joint Registrar subject to deposit of cost of Rs.15,000/- each in favour of Delhi High Court Legal Services Committee within two weeks.
8. In view of above, present appeal stands disposed of.

CS(OS) 537/2019

9. List before learned Joint Registrar on 11.03.2022, i.e. the date already fixed.

SURESH KUMAR KAIT, J

JANUARY 20, 2022/rk