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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 664/2023

ANOOP SINGH YADAV & ORS. Plaintiffs

Through: Mr. Mohit Mudgal & Mr. Ravi
Kant Yadav, Advs.
(Mob.8826733076)

versus

MANGE RAM & ORS. Defendants

Through: Mr. Vikas Yadav, Adv. for D-1
(Mob.9971920505, Enrol.
No.D/469/2008, Email:
d.469.08@gmail.com)

Mr. Sandeep Yadav & Mr.
Shubham Yadav, Advs. for D-2
to 7 (Mob.9818637450)

Mr. Varun Mudgil & Mr.
Subham K. Jain, Advs. for D-8 to
10 (Mob.9711760086)

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% 23.02.2024

**IA no.3158/2024 under Rule 4 of Chapter VII of Delhi
High Court (Original Side) Rules, 2018 r/w Section 151
CPC moved by the defendant no.2 to 7 seeking
condonation of delay in filing Written Statement
alongwith Affidavit of Admission/Denial of the
documents**

1. Learned respective counsels for the plaintiff and defendant no.8 to 9 already stated that they have no objection to the captioned IA.
2. Learned counsel for the defendant no.1 accepts notice and submits that he has no objection to the captioned IA.
3. Heard. In view of no objection and in view of reasons mentioned in the application, the captioned IA stands allowed to the extent that the delay, if any, in filing Written Statement alongwith Affidavit of



Admission/Denial of the documents filed by the defendant no.2 to 7 is condoned and the same is taken on record. Accordingly, the captioned IA stands disposed of.

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4. Vide dated 05.12.2023, the defendant no.1 was granted two weeks' time to take requisite steps to bring Written Statement and documents stated to have been filed vide diary no.E-2177441/2023 on record. However, till date the Written Statement alongwith Affidavit of Admission/Denial of the documents are not on record. It is stated by learned counsel for the defendant no.1 that due to renovation in his office, he could not take requisite steps to bring Written Statement and documents on record and seeks one more opportunity for the same. The same is strongly opposed by learned counsel for the plaintiff, who submits that it is intentionally not being done by the defendant no.1 just to delay the present matter filed by the plaintiff. In view of submission made by the plaintiff, the last and final opportunity is granted to the defendant no.1 to take requisite steps expeditiously within one week to bring Written Statement and documents on record, subject to imposition of cost of Rs.3000/- to be paid to the plaintiff by the defendant no.1. It is conceded by learned counsel for the defendant no.1 that he has not filed Affidavit of Admission/Denial of the documents alongwith Written Statement till date despite service on 22.10.2023. No plausible explanation is furnished by Learned counsel for the defendant no.1 for not filing Affidavit of admission/Denial of the documents till date. No ground is made out to give further opportunity to the defendant no.1.



So, the right of the defendant no.1 to file Affidavit of Admission/Denial of the documents is forfeited and resultantly, the documents filed by the plaintiff are deemed to be admitted by the defendant no.1 as per Chapter VII Rule 4 of Delhi High Court (Original Side) Rules. Needless to say, Written Statement, if any, filed by the defendant no.1 shall be made part of the record as per law.

5. It is brought on record by learned counsel for the plaintiff that he has received copy of Written Statement and the documents filed by learned counsel for the defendant no.1 only yesterday i.e. 22.02.2024 despite the order dated 05.12.2023 in which the defendant no.1 undertook to supply the same within two days.

6. Written Statement alongwith Affidavit of Admission/Denial of the documents filed by the defendant no.2 to 7 is taken on record vide order of even date. As per record, the defendant no.2 to 7 have also filed some documents. So, the plaintiff is directed to file Replication alongwith Affidavit of Admission/Denial of the documents in the prescribed format within the stipulated period as per law with copy to the opposite side.

7. As per record, Written Statement alongwith Affidavit of Admission/Denial of the documents filed by the defendant no.8 to 10 is already on record. At this stage, it is stated by learned counsel for the plaintiff that he does not wish to file any Replication to the same. **Thus, pleadings qua defendant no.8 to 10 are complete.**

8. All the defendants are directed to supply the pleadings *inter se*.

9. At this stage, it is pointed out by learned counsel for



the parties that till date they do not have the contact details or email ID of the learned counsel for the defendant no.1 as his Vakalatnama is still lying under objections. So, learned counsel for the defendant no.1 is directed to provide his complete details like mobile number, email ID and Enrolment number in today's appearance and also directed to take requisite steps expeditiously within one week to bring his Vakalatnama on record.

10. The defendant no.1 is directed to take all the necessary steps within one week for completing the pleadings of the suit as the pleadings are on the verge of completion qua other defendants and the matter cannot be allowed to be delayed substantially on account of lapse of defendant no.1

Re-notify the matter for completion of pleadings/further proceedings on 30.05.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY23, 2024/ab
[Click here to check corrigendum, if any](#)