



\$~12

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 699/2022**

DR. KAVITA RUPRAIL

.....Plaintiff

Through: Mr. Tanmaya Mehta, Ms. Rashmi,
Mr. Divyansh Rathi, Ms. Sumedha
Sindhu & Ms. Riya Rathi, Advs.
(email: divyansh@lexidem.com &
Mob. No. 9990987000).

versus

KUNAL KWATRA & ORS.

.....Defendant

Through: Mr. P.K. Rawal, Adv. for D-1
(through VC).
Mr. Tarun Agarwal, Adv. for D-2
& 3.
Mr. Ankur Mahindro, Mr. Ankush
Satija, Mr. Rohit Bishnoi & Ms.
Mehul Jain, Advs. for D-5 to 7.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)**

O R D E R

05.01.2024

%

**I.A. No. 21954/2023 (by defendants no.5 to 7 u/O XXXIX
Rule 4 r/w Section 151 of CPC)**

1. It is submitted that the captioned IA is coming up for
hearing before the Hon'ble Court on 09.01.2024.

**I.A. No. 23866/2023 (by defendants no.5 to 7 u/O VIII
Rule 9 r/w Section 151 of CPC seeking permission to file
response to written statement of defendants no.1 to 4)**

2. As per office noting for 20.12.2023, notice of captioned
IA was served upon defendant no.1 and upon defendants
no.2 & 3 through their respective counsels.



3. No reply to the captioned IA has been filed on behalf of the plaintiff and defendants no.1 to 3. Time sought. Let reply be filed within four weeks as last opportunity and rejoinder thereto be filed before next date of hearing.
4. Ld. Counsel for plaintiff has submitted that defendant no.4 i.e. M/s Royal Moments Banquet was running and operated by defendants no.1 to 3 and 5 to 7.
5. Ld. Counsel for defendants no.1 to 3 has submitted that defendant no.4 i.e. M/s Royal Moments Banquet was being run by defendants no.5 to 7 and their predecessor Mr. Sandeep Kumar and defendant no.1 was providing services to said Mr. Sandeep Kumar in terms of MoU dated 01.04.2021.
6. On the other hand, Ld. Counsel for defendants no.5 to 7, who is representing defendant no.5 M/s Ecstasy Hotels Private Limited, defendant no.6 Ms. Nidhi Kumar (wife of Late Sh.Sandeep) and defendant no.7 Ms. Nirriti Kumar (daughter of Late Sh.Sandeep), has submitted that defendant no.4 i.e. M/s Royal Moments Banquet was being run by defendants no.1 to 3.
7. At this stage, Ld. Counsel for plaintiff has submitted that service of defendant no.4 in respect of the captioned IA as well as main suit and other pending IAs may be taken as served in view of the submissions of Ld. Counsel for defendants appearing today.
8. Heard. Without prejudice to the rights & contentions of the parties and in view of submissions made on behalf of Ld. Counsels for parties appearing today, the undersigned deems defendant no.4 as served in the main matter as well as for the purpose of all pending IAs. The concerned



parties may take appropriate steps as per law. There is no need to issue any fresh summons or notice to defendant no.4 in the main matter and pending IAs. The concerned party may take appropriate steps for completion of pleadings as per law.

I.A. No. 11890/2023 (by plaintiff u/S 5 of Limitation Act for condonation of delay of 02 days in filing replication to written statement of defendant no.1)

9. Reply to the captioned IA has been filed on behalf of defendant no.1.
- 10.Ld. Counsel for plaintiff submits that he does not wish to file rejoinder to the said reply.
- 11.Pleadings qua the captioned IA are complete.
- 12.At this stage, Ld. Counsel for parties have submitted that they have no objection if the captioned IA is allowed.
- 13.Heard. For the reasons stated in the application and in view of above submissions, delay in filing replication to written statement of defendant no.1 is condoned and the same be taken on record if complete in other respects.
- 14.The captioned IA stands disposed off accordingly.

I.A. No. 7032/2023 (by defendants no.5 to 7 u/S 151 CPC seeking condonation of delay of 64 days in filing written statement)

- 15.Ld. Counsel for plaintiff submits that he does not wish to file any reply to the captioned IA and has no objection if the same is allowed.
- 16.Heard. For the reasons stated in the application and in view of the above submissions, delay in filing written statement by defendants no.5 to 7 is condoned and the same be taken on record if complete in other respects.
- 17.The captioned IA stands disposed off accordingly.



I.A. No. 6280/2023 (by defendants no.5 to 7 u/O XXXIX Rule 10 r/w Section 151 of CPC seeking urgent directions against defendants no.1 to 4)

- 18.Ld. Counsel for plaintiff already submitted that he did not wish to file any reply to the captioned IA.
- 19.Reply to the captioned IA was filed by defendant no.1 vide diary no.1541371/2023.
- 20.Reply to the captioned IA was also filed by defendants no.2 & 3 vide diary no.1541377/2023.
- 21.Separate rejoinders to the replies of defendant no.1 and defendants no.2 & 3 were filed by defendants no.5 to 7.
- 22.Perusal of the above said replies and rejoinders would show that IA no. has been wrongly mentioned in the same as 6890/2023 instead of 6280/2023. Same be read as 6280/2023.
- 23.The defendant no.4 is deemed to have been served in terms of order passed today in IA No.23866/2023, but no response has been filed on its behalf.
- 24.Pleadings qua the captioned IAs are complete.

I.A. No. 18587/2022 (by plaintiff u/O XXXIX Rules 1 & 2 of CPC)

- 25.Separate replies to the captioned IA were filed on behalf of defendant no.1 and defendants no.2 & 3.
- 26.Perusal of record shows that reply to the captioned IA has been filed on behalf of defendants no.5 to 7, however, the same is lying in 'pleadings' folder of soft copy of judicial record. Registry to place the same in appropriate folder.
- 27.Ld. Counsel for plaintiff submits that he does not wish to file any separate rejoinder to replies of the defendants and contents of his replication be read as rejoinder qua the captioned IA.



28.The defendant no.4 is deemed to have been served in terms of order passed today in IA No.23866/2023.

29.Pleadings qua the captioned IA are complete.

CS(OS) 699/2022

30.Written statement and affidavit of admission/denial of documents were already filed by defendant no.1.

31.Replication to written statement of defendant no.1 has been filed on behalf of the plaintiff. The same has been taken on record in view of order passed today while disposing off IA No.11890/2023.

32.Written statement on behalf of defendants no.2 and 3 has now come on record.

33.Separate affidavits of admission/denial of documents were already filed on behalf of defendant no.2 and 3.

34.Replication to written statement of defendants no.2 and 3 was filed by the plaintiff.

35.It is submitted that no documents were filed on behalf of defendants no.2 & 3, therefore, affidavit of admission/denial of documents has not been filed on behalf of the plaintiff qua defendants no.2 & 3.

36.Written statement and affidavit of admission/denial of documents has been filed on behalf of defendants no.5 to 7. The same has been taken on record in terms of order passed today while disposing off IA No.7032/2023.

37.Replication to written statement of defendants no.5 to 7 with affidavit of admission/denial of documents was filed on behalf of the plaintiff.

38.No affidavit of admission/denial has been filed on behalf of defendants with respect to documents of plaintiff filed vide diary no.65155/2023.



39.The defendant no.4 is deemed to have been served in terms of order passed today in IA No.23866/2023.

40.Let the pleadings be completed as per law.

41.Re-notify the present matter for completion of service, completion of pleadings and further proceedings on **19th February, 2024.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 5, 2024/v

Click here to check corrigendum, if any