



2025:DHC:9807

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 567/2024

MR VISHAL GUPTA

.....Plaintiff

Through: Mr. Gaurav Kumar Pandey, Adv.
(through VC).

Versus

SMT RADHA AGGARWAL & ORS.

.....Defendant

Through: Ms. Kriti Gupta, Adv. for D-1, 2
and 6 (through VC).

None for D-4.

Ms. Sunila Choudhary, Advocate
for D-3 & 5 (through VC).

CORAM:

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

ORDER

16.04.2025

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Proceedings are being conducted through hybrid mode.

I.A. No.42038/2024 (by D-1, 2 & 6 u/O XXXIX Rule 4 of CPC)

I.A. No. 3938/2025 (by plaintiff u/O XXXIX Rules 1 & 2 of CPC) &

I.A. No. 9378/2025 (by plaintiff u/O XXXIX Rule 2-A of CPC)

1. It is submitted that the captioned IAs are coming up for hearing before the Hon'ble Court on 28.04.2025.

I.A. No.41590/2024 (by D-1, 2 & 6 for condonation of delay of 24 days in filing WS)

2. At joint request, re-notify the captioned IA for arguments on next date of hearing.



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I.A. No. 33998/2024 (by plaintiff for stay) &

**I.A. No. 33999/2024 (by plaintiff u/O XI r/w Section 151
CPC for discovery of documents)**

3. Pleadings qua the captioned IAs are already complete.

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4. Perusal of record shows that written statement alongwith affidavit of admission/denial and documents were already filed on behalf of defendants no.1, 2 and 6. However, an application for condonation of delay in filing the written statement is pending for consideration.

5. Perusal of record further shows replication and affidavit of admission/denial of documents were already filed on behalf of plaintiff qua defendants no.1, 2 and 6.

6. As per office noting, written statement and affidavit of admission/denial of documents have been filed on behalf of defendant no.3 vide diary no.1878486/2025.

7. Ld. Counsel for defendants no.3 and 5 has submitted that she has no instructions from defendant no.5 and hence, she wishes to withdraw her vakalatnama on behalf of the defendant no.5. Let appropriate steps be taken as per law.

8. In the meantime, issue court notice to defendant no.5 in person, without PF, for next date of hearing.

9. Office noting further reveals that no written statement has been filed vide diary no.4582679/2024 as stated on last date of hearing, however, one written statement filed vide diary no.4584679/2024 was returned under objection. Let appropriate steps be taken as per law.

10.No written statement stated to be filed on behalf of the defendant no.5 has come on record till date. Let needful in this regard be done.



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11. Perusal of record shows that a consolidated replication to written statements of defendants no.3 & 5 has already been filed on behalf of the plaintiff. However, written statements on behalf of defendant no.5 has not come on record till date.
12. No written statement and affidavit of admission/denial of documents has been filed on behalf of defendant no.4.
13. Ld. Counsel for defendant no.4 has submitted that the statutory period for filing written statement and affidavit of admission/denial of documents by defendant no.4 has already expired and hence, right of the defendant no.4 to file the same may be closed.
14. Heard. Perusal of order dated 16.10.2024 would show that defendant no.4 was served and counsel for defendant no.4 had appeared and directions were given to the said defendant to file written statement alongwith affidavit of admission/denial of documents as per law, but the same has not been filed till date. The statutory period for filing written statement and affidavit of admission/denial of documents has already expired. Hence, right of defendant no.4 to file written statement and affidavit of admission/denial of documents stands closed.
15. Office noting further reveals that affidavit of admission/denial of documents filed vide diary no.480446/2025 has not come on record till date. Let needful in this regard be done.
16. Office noting further indicates that documents with list of documents have been filed on behalf of plaintiff vide dairy nos.1080106/2025 and 2422198/2025.
17. Let the pleadings be completed as per law.



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18.Re-notify the matter for completion of pleadings and further proceedings on 12th August, 2025.

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)

APRIL 16, 2025/v

[Click here to check corrigendum, if any](#)