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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 712/2022 & I.A. 34191/2024**

SUNITA MAHENDRA @ ANITA AND ORSPlaintiffs

Through: Mr. Kunal Bahri, Advocate
versus

VIKAS CHOPRA & ORS.Defendants

Through: Mr. Kapil Lalwani, Advocate with
Ms. Swastika Upadhyay and Ms.
Neha Sehrawat, Advocates for
Appellant in O.A. 117/2024
Mr. Rishabh Kapur, Advocate for D-5
and D-6

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **24.07.2024**

I.A. 34192/2024 (for exemption)

1. This is an application filed by defendant no. 4 from filing certified copy of the order dated 20.11.2023 filed along with OA No. 117/2024.
2. The application is allowed subject to just exceptions.

O.A. 117/2024 (original appeal under Chapter II Rule 5 of the Delhi High Court (Original Side) Rules, 2018 read with Section 151 CPC, 1908 filed by the Appellant/Defendant No. 4 against the order dated 20.11.2023)

3. This is a chamber appeal filed by defendant no. 4 against the order dated 20.11.2023 passed by learned Joint Register (J) dismissing the defendant no. 4's application i.e., I.A. 8493/2023 filed under Order VIII Rule 1 Code of Civil Procedure, 1908 ('CPC') seeking condonation of delay



in filing the written statement.

4. Learned counsel for the Appellant/defendant no. 4 states that the summons in the suit were served on 25.01.2023 by publication. He states that the written statement was filed on 15.04.2023 within the maximum period of 120 days. He states, however, the affidavit of admission/denial of documents was filed subsequently on 12.07.2023. He states that it is due to the subsequent filing of the admission/denial of documents that the initial delay in filing the written statement has not been condoned.

5. Issue notice. Learned counsel for defendant nos. 1 to 3 accepts notice.

6. Issue notice to the non-applicant plaintiff through all modes, in addition, through the counsel appearing for the plaintiff.

7. List before the Joint Registrar (J) on 08.10.2024, the date already fixed.

8. List on 04.12.2024 before Court, the date already fixed.

MANMEET PRITAM SINGH ARORA, J

JULY 24, 2024/msh/sk