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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 742/2022

SH R.K. KAPOOR

..... Plaintiff

Through: Mr. Vikram Singh Nayal, proxy
cl.

versus

MRS. SHASHI VOHRA AND ORS Defendants

Through: Mr. Vijay Kumar Mishra & Mr.
Ajit Singh, Advs. for D-7&8
Mr. Amol Sharma, Adv. for
D-10

CORAM:

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

ORDER

% **19.01.2024**

**IA no.11198/2023 under Section 5 of Limitation Act
moved by defendant no.7&8 seeking condonation of
delay in re-filing Written Statement**

1. As per record, reply to the captioned IA filed by the plaintiff is already on record but rejoinder to the same has not been filed by the applicants/defendant no.7&8 till date despite opportunity. So, right of the defendant no.7&8 to file rejoinder is ordered to be closed. **Thus, pleadings are complete.**

2. Arguments heard and record carefully perused.

3. Before averting to the captioned IA, it would be important to note that vide order dated 27.04.2023, Written Statement of defendant no.7&8 was ordered to be taken off the record and right of defendant no.7&8 to file Affidavit of Admission/Denial of the documents was ordered to be closed. Thereafter, only the captioned IA has been filed by defendant no.7&8 seeking condonation of delay in re-filing Written Statement. Thus, the captioned IA is *per se* not maintainable in view of order dated 27.04.2023 and the defendant no.7&8 have not invoked proper remedy



available under law. On the sole ground, the captioned IA deserves to be dismissed. Even otherwise, the captioned IA is completely cryptic and though it is filed seeking condonation of delay in re-filing Written Statement, the delay in re-filing Written Statement has not been explained at all. So, the captioned IA is completely devoid of any merit and is ordered to be dismissed.

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4. The right of the defendant no.1,2,4&5 & D-3&9 to file Written Statement has already been ordered to be forfeited.

5. The Written Statement of defendant no.7&8 was ordered to be taken off the record and right of the defendant no.7&8 to file Affidavit of Admission/Denial of the documents was ordered to be closed vide order dated 27.04.2023. Now the defendant no.7&8 have filed captioned IA No.11198/2023 which is dismissed vide order of even date.

6. Affidavit of Service has been filed by plaintiff qua service of defendant no.6. The same is perused. the plaintiff has submitted that the defendant no.6 has been served through Speed Post. The learned counsel for the plaintiff has filed Tracking Report but has not filed the Dispatch Receipt for the same. So, the plaintiff is directed to file Dispatch Receipt within two weeks.

7. It is stated by learned counsel for the defendant no.10 that he has filed status report vide diary no.480662 on 15.03.2023. The same is not on record. So, the defendant no.10 is directed to take requisite steps within two weeks to bring status report on record.



8. The right of the defendant no.11 to file Written Statement has already been ordered to be closed.

Re-notify the matter for completion of pleadings/further proceedings on 28.02.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 19, 2024/ab

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