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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 744/2022

SHRI GAUTAM MEHLAWAT & ORS. Plaintiffs

Through: Mr. Deepak Dahiya, Adv. with
P-1 in person (Mob.9540233456)

versus

MAMAN SINGH & ORS. Defendants

Through: Mr. Pankaj Chaudhary, Adv. for
D-1 to 6 (joined through VC)
None for D-7 to 12

CORAM:

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

ORDER

% 13.03.2024

**IA No.5793/2024 under Order I rule 10 CPC moved by
the plaintiff**

Heard. It is stated by learned counsel for the plaintiff that the captioned IA may be read as under Order XXIII Rule 3 CPC and also seeks some time to file an application under Section 5 of Limitation Act seeking condonation of delay in filing the captioned IA. At request the same be filed within two weeks with copy to the opposite side.

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

**IA No.21304/2023 under Section 151 CPC moved by
defendant no.7 to 12 seeking condonation of delay in
filing Written Statement**

At this stage, it is stated by learned counsel for the plaintiff that he does not wish to file any reply to the captioned IA and will directly argue the captioned IA.

None is present on behalf of the applicants despite repeated calls to argue the captioned IA. In the interest of justice and subject to imposition of cost of Rs.2000/- is imposed upon the applicants/defendant no.7 to 12 to be paid to the plaintiff, the last and final opportunity is



granted to the applicants to argue the captioned IA.

Re-notify captioned IA for arguments on on the next date of hearing.

IA No.19968/2022 moved by the plaintiff (ad-interim injunction)

Pleadings qua defendant no.1 to 6 are already complete.

At this stage, it is stated by learned counsel for the defendant no.7 to 12 that he does not wish to file any reply to the captioned IA.

Re-notify captioned IA on the next date of hearing.

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As per record, separate Written Statements filed by the defendant no.1 and the defendant no.2 to 6, Affidavit of Admission/Denial of the documents filed by the defendant no.1 to 4 and 6 are already on record. It is already stated by learned counsel for the plaintiff that he does not wish to file any Replication to the Written Statement of the defendant no.1 to 6.

Again, the defendant no.5 has not taken requisite steps to bring Affidavit of Admission/Denial of the documents filed by the defendant no.5 on record. Learned counsel for the plaintiff submits that he has received copy of said Affidavit of Admission/Denial of the documents filed by defendant no.5. Despite opportunity given to defendant no.5, no steps have been taken by the defendant no.5 to bring Affidavit of Admission/Denial of documents on record. So, cost of Rs.1500/- is imposed upon defendant no.5 to be deposited with Delhi High Court Legal Services Committee and now the last and final opportunity is granted to the defendant no.5 to take requisite steps to



bring Affidavit of Admission/Denial on record. Needless to say, Affidavit of Admission/Denial of the documents filed by defendant no.5 shall be made part of the record as per law.

As per record, Written Statement alongwith Affidavit of Admission/Denial of the documents filed by the defendant no.7 to 12 has already been placed by the Registry. An application seeking condonation of delay in filing Written Statement filed by the defendant no.7 to 12 is pending consideration.

It is stated by learned counsel for the plaintiff that he has already filed an application for impleading the LRs of deceased defendant no.13 on record vide diary no.1967007/2023. However, the same is not on record. Learned counsel for the plaintiff is directed to take requisite steps to bring the same on record.

Re-notify the matter for completion of pleadings/further proceedings on 03.07.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
MARCH 13, 2024/ab

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