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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 724/2023 & I.A. 22265/2023**

SANGEETA BHATIA

.....Plaintiff

Through: Mr. Varun Goswami, Mr. Naveen Grover, Mr. Hritik Chaudhary and Mr. Vansmani Tripathi, Advs.

versus

AKHIL NANDA & ORS.

.....Defendants

Through: Mr. Dinesh Sharma, Adv. for D-2 and 3(Through VC)
Mr. Siddharth Handa, Ms. Shubhangi Arora, Advs. for D5

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

02.09.2024

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CS(OS) 724/2023

1. Proxy counsel on behalf of defendant nos. 2 and 3 seeks an adjournment.
2. Learned counsel for the plaintiff states that the order dated 11.01.2024 records that defendant nos. 2 and 3 stand duly served. He states however, the written statements of defendant nos. 2 and 3 were not filed within a statutory period of 30 days. He states belatedly an advance copy of the written statement(s) were served on the plaintiff; however, defects were marked by registry on the said written statement(s) and thereafter, defendant nos. 2 and 3 have till date not taken any steps to have the written statement(s) brought on record.



3. He states that directions to defendant nos. 2 and 3 to remove the defects and have the written statement(s) placed on record have been repeatedly passed vide orders dated 18.03.2024, 02.05.2024, 06.08.2024 and 29.08.2024. He states however, till date, the written statement(s) have not been placed on record.

4. He states more particularly no advance copy of the affidavit of admission/denial of plaintiff's documents has been served upon by defendant nos. 2 and 3, till date. He therefore, states that right of defendant nos. 2 and 3 to file written statement(s) be directed to be closed in accordance with the Delhi High Court (Original Side) Rules, 2018.

5. This Court has considered the submission of the plaintiff in the facts noted hereinabove it is apparent that defendant nos. 2 and 3 have defaulted in complying with the mandatory direction of filing affidavit of admission/denial of plaintiff's documents and further failed to take steps to have the written statement(s) placed on record despite grant of several opportunities. The intent of defendant nos. 2 and 3 to protract the proceedings is writ large. Accordingly, the right of defendant nos. 2 and 3 to file written statement is hereby closed.

6. Learned counsel for the defendant no. 5 states that pleadings *qua* defendant no. 5 is complete.

7. Learned counsel for the plaintiff states that defendant no. 4 has since expired and he has filed an appropriate application for bringing on record the legal heirs of defendant no. 4. He further, states that defendant no. 1's right to file written statement has been closed vide order dated 06.08.2024

8. None appears on behalf of defendant no. 1. Accordingly, defendant no. 1 is hereby proceeded ex-parte.



9. List before the Joint Registrar (J) for admission/denial of documents and marking of exhibits on 04.11.2024.
10. List before the Court for framing of issues on 14.02.2025.
11. Interim order(s) to continue.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 2, 2024/hp/AKT

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