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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 758/2022**

PARUL AGGARWAL AND ANRPlaintiffs

Through: Ms. Stiti Gupta, Adv.
versus

ASHOK AGGARWAL AND ORSDefendants

Through: Mr. Ranjeev Khatana,
Adv. for UOI
Ms. Avnit Arya, Adv. for
D-1 & 2
Mr. Sumit Kumar Mishra,
Adv. for D-3 & 4 (through
VC)
None for applicant in IA
No. 31576/2024,
defendant no.5 & 6

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. SHUCHI
LALER (DHJS)

% **ORDER**
11.07.2024

IA No. 4803/2023 u/O VIII R.1 CPC for condonation of
delay in filing written statement of defendant nos.3&4

1. Learned counsel for plaintiff submits that she has not filed the reply to the captioned IA and has addressed arguments straightaway.

2 Arguments heard. Record perused. By way of captioned IA, defendant nos. 3 &4 are seeking condonation of delay of 39 days in filing written statement on the ground that they had to travel out of town on few occasions on account of prior commitments. Considering the grounds, the delay in filing written statement by defendant nos. 3 & 4 is condoned subject to cost of Rs. 5000/- to be paid to the plaintiffs within two weeks.



IA No. 17553/2023 u/O VIII R.1 CPC for condonation of delay in filing written statement of defendant nos. 1 & 2 & IA No. 17554/2023 u/s 5 of Limitation Act for condonation of delay in re-filing written statement

3 Reply of plaintiff is on record. Rejoinder has not been filed despite grant of last and final opportunity on 20.05.2024. The right to file rejoinder is closed. Adjournment sought by learned counsel for defendant nos. 1 & 2 on the ground that the main counsel is busy in another court. Heard. Matter is adjourned. Last and final opportunity is granted to address arguments on the next date.

IA No. 5061/2024 u/O XXXVIII R.5 and Order XXXIX R.1 & 2 CPC by plaintiff

4. Reply has not been filed. Last and final opportunity is granted to file the same before the next date.

IA No. 31576/2024 u/O I R.10 CPC by Mr. Rishi Aggarwal and Ms. Naina Maheshwari

5. As per office note, notice has been served upon plaintiffs and learned counsels for defendant nos. 1 to 4 & 6. Defendant no.5 remains unserved.

6. Reply be filed by plaintiffs and all the defendants except defendant no.5 within three weeks. Rejoinder be filed within two weeks thereafter.

7. Issue notice of the captioned IA to defendant no.5 through all permissible modes on filing of PF returnable for next date.

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8. Written statement of defendant nos. 3 & 4 has been taken on record today subject to payment of cost of Rs.



5000/- within two weeks. Replication be filed as per law.

9. An application for condonation of delay in filing written statement of defendant nos. 1&2 is pending adjudication.

10. Learned counsels for parties submit that the matter is listed before the Hon'ble Court on 16.07.2024. The file may be placed before the Hon'ble Court on date already fixed i.e. 16.07.2024 for further directions.

**SHUCHI LALER (DHJS),
JOINT REGISTRAR (JUDICIAL)**

JULY 11, 2024/cd

Click here to check corrigendum, if any