



2024.DHC.4872

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

+ CS(OS) 600/2019 and IA No. 16252/2019 (application filed by the plaintiff u/O XXXIX Rules 1 and 2 CPC) and IA No. 16253/2019 (application filed by the plaintiff u/O XXXIX Rule 10 CPC)

HEM MANOHAR & ANR.

..... Plaintiffs

Through: Mr. Arjun Singh Bawa and Ms. Samkhavi, Advocates appeared physically

versus

RACHNA GUPTA & ORS.

..... Defendants

Through: Mr. Varun Shankar, Mr. R.S, Lakshman, Mr. Atharva Koppal and Mr Rakshit Ranjan, Advocates for Defendant nos. 1,2 and 3 and also for applicant in IA No. 2753/2021 appeared physically
Mr. Utkarsh Tiwari and Mr. Mrityunjay Mahendra, Advocates for Defendant nos. 4 and 5 appeared physically
Mr. M.K. Shah, Advocate for Defendant no.6 appeared physically

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER
13.07.2022

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Matter is taken up through physical hearing as well as video conferencing.

CS(OS) 600/2019

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CS(OS) 600/2019

As per previous orders, pleadings qua defendant nos. 4,5 and 6 are complete. Defendant no.7 has not appeared and not filed any written statement till date, despite the fact that he was served long time back, as is reflected in the order dated 08.01.2020. **Hence, right of defendant no.7 to file written statement stands closed.**

Written statements of defendant nos. 1,2 and 3 are subject to the decision of IA No. 11960/2020 and IA No. 11963/2020.

IA No. 9594/2020 (application filed by the plaintiff u/O 39 Rule 4 CPC)

Reply of defendant nos. 1,2 and 3 is already on record.

Reply has also been filed by defendant nos. 4 and 5.

Learned counsel for the plaintiffs has stated that he does not want to file rejoinder.

Pleadings are complete.

IA No. 9610/2020 (application filed by the plaintiff u/O XVA CPC)

Reply has already been filed by defendant nos. 1,2 and 3.

Reply has also been filed by defendant nos. 4 and 5. Copy supplied.

Learned counsel for the plaintiffs has stated that he does not want to file rejoinder.

Pleadings are complete.

IA No. 3194/2020 (u/O XI Rules 12 and 14 CPC)

Learned counsel for the plaintiffs has stated that defendant nos. 4 and 5 have not filed any reply to the present application.



Learned counsel for defendant nos. 4 and 5 seeks one week time for filing reply.

Last opportunity is granted to defendant nos. 4 and 5 for filing reply within one week, subject to cost of Rs. 1,000/- to be paid to learned counsel for the plaintiffs.

IA No. 2018/2021 (application filed by the plaintiffs u/O XXXIX Rule 2A CPC)

Reply of defendant nos. 1,2 and 3 is on record.

Learned counsel for the plaintiffs has stated that he does not wish to file rejoinder to the reply of defendant nos. 1,2 and 3.

Reply of other defendants is not on record.

IA No. 2765/2021 (application filed by the plaintiffs u/O XXXIX Rule 2A CPC against defendant nos.1 to 3 and 7)

Reply not filed by any of the defendants.

Last opportunity is granted to defendants to file reply within two weeks with advance copy to the opposite parties.

IA No. 3309/2020 (application filed by the plaintiffs u/O I Rule 10 CPC for impleadment of proposed defendant no.8)

This application has been filed by the plaintiffs for impleadment of M/s. Mitutotya South Asia Pvt. Ltd. through Managing Director Mr. Narender Bajaj as defendant no.8 in the suit.

Service report to the proposed defendant is awaited.



At request, fresh summons be issued to proposed defendant no.8 on filing of PF within seven days, by all permissible modes including electronic mode and *dasti*. Affidavit of service be filed at least one week before the next date of hearing.

IA No. 2753/2021 (application filed by the applicant/Sh. Rajendra Kumar Gupta u/O I Rule 10 CPC r/w Section 151 CPC)

Learned counsel for the applicant Sh. Rajendra Kumar Gupta has stated that notice was accepted by the plaintiff on the previous date, but reply has not been filed by the plaintiff till date.

Learned counsel for the plaintiffs seeks time to file reply. Last opportunity is granted to plaintiffs to file reply within two weeks from today with advance copy to the opposite parties.

IA No. 11960/2020 (application filed by defendant no.1 u/O VIII Rule 1 CPC r/w Section 151 CPC seeking condonation of delay in filing written statement) and IA No. 11961/2020 (application filed by defendant nos. 2 and 3 u/O VIII Rule 1 CPC r/w Section 151 CPC seeking condonation of delay in filing written statement)

Pleadings are complete.

Put up for arguments on both the applications on 7th September, 2022 at 2:00 PM.

**TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JULY 13, 2022
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