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

+ CS(OS) 616/2019

MS. PRABHA

..... Plaintiff

Through: Mr. B.S. Bartwal, Adv.

versus

MR. DINESH SHARMA & ORS.

..... Defendant

Through: Mr. Vikram Baweja, Adv. for D-1
Mr. B.K. Roy & Ms. Priyanka
Upadhyay, Advocates for D-2

CORAM:

**SH. VIJAY SHANKAR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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13.03.2020

Report of dasti summons of defendant no.3 & 4 already stated to be filed by the plaintiff.

As per report of dasti summons, the defendant no.3 & 4 stated to be served on 06/01/2020. None appeared on behalf of the defendant no.3 & 4 since morning despite repeated calls.

It is submitted by counsel for the plaintiff that the plaintiff has filed replication qua the written statement of the defendant no.1 vide diary no.389156 on 12/03/2020 and the same be permitted to be taken on record. However, the replication has not come on record.

It is submitted by counsel for the defendant no.1 that prescribed

period for filing replication has already been expired and the replication cannot be taken on record.

Heard. Admittedly, period of 45 days as prescribed in Delhi High Court (Original Side) Rules, 2018 in filing the replication qua the written statement of the defendant no.1 already expired. In view of the judgment passed in the matter titled as "*Odeon Builders Pvt. Ltd. Vs. NBCC (India) Limited Formerly known as National Buildings Construction Corporation Ltd.*" bearing CS (COMM) 1261/2018 dated 31/10/2019., the aforesaid request of counsel for the plaintiff is declined and right of the plaintiff to file replication qua the written statement of the defendant no.1 stands closed.

Counsel for the defendant no.2 seeks time for filing written statement and affidavit of admission/denial of the documents along with appropriate application for condonation of delay on the ground that the same could not be filed as the defendant no.2 has not received copies of the certified copies of the documents.

It is submitted by counsel for the parties that the present matter be placed before the Hon'ble Court for the date already fixed and they will make appropriate submissions before the Hon'ble Court in this regard.

At joint request, list the matter before the Hon'ble Court for further directions on the date already fixed i.e. **18th March, 2020.**

VIJAY SHANKAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

MARCH 13, 2020/nk