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

+ **CS(OS) 775/2022 & O.A. 85/2023**

SUMIT CHHABRA

.....Plaintiff

Through: Mr. Sanjay Dewan, Adv. with Mr.
Anis Dewan & Ms. Shivani Pruthi,
Advocates

versus

SMT PREETI CHHABRA & ORS.

.....Defendants

Through: Mr. Shashank Kumar & Mr. G.S.
Ahuja, Advocates for D-1
Mr. Gurpreet Singh and Mr. Dhruv
Kumar, Advocates for D-6 to D-8

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 05.07.2024

1. Learned counsel for the Plaintiff states that the written statement of Defendant No. 1 alongwith affidavit of admission/denial of documents is on record.

1.1. He states that Plaintiff has filed his replication alongwith the affidavit of admission/denial of the documents. He states that there was a delay in filing of the said replication and therefore, prays for condonation of delay, subject to payment of cost.

1.2. Learned counsel or Defendant No. 1 does not oppose the said prayer.



1.3. Accordingly, the delay in filing the replication is condoned, subject to payment of cost of Rs. 7500/- to the counsel for Defendant No. 1 within a period of one (1) week.

1.4. Therefore, pleadings qua Defendant No. 1 stand completed.

2. Learned counsel for the Plaintiff states that Defendant Nos. 2 and 3 have filed their written statement admitting the claim of the Plaintiff and therefore, the Plaintiff has elected not to file any replication as recorded vide order dated 19.12.2023. He states, therefore, pleadings qua Defendant Nos. 2 and 3 are complete.

3. Learned counsel for the Plaintiff states that the right of Defendant Nos. 4 to 8 has been closed by the learned Joint Registrar vide order dated 22.08.2023.

3.1. In reply, learned counsel for Defendant Nos. 6 to 8 states that he has filed O.A. No. 85/2023 for recall of the order dated 22.08.2023.

3.2. He states that though Defendant Nos. 6 to 8 entered appearance before the learned Joint Registrar on 16.02.2023 and were served with a copy of the suit record, however, on account of some illegible documents, the filing of the written statement was delayed and the same was filed on 23.08.2023. Learned counsel for the Plaintiff has opposed this submission on the plea that type copies were duly served with the original service and even otherwise, the documents were legible.

3.3. The counsel for the Defendant admits the written statement has been filed beyond 120 days. He, however, argues that the period of limitation for filing written statement did not commence on 16.02.2023 due to the service illegible documents.



3.4. He however, prays for an adjournment to address arguments in O.A. No. 85/2023.

4. At request of Defendant Nos. 6 to 8, list O.A. No. 85/2023 on 30.08.2024.

MANMEET PRITAM SINGH ARORA, J

JULY 5, 2024/rhc/akt