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

+ **CS(COMM) 655/2019**

MR. ANIL RATHI Plaintiff

Through: **Ms. K.Natasha, Mr. Sanket
Singh Sengar, Advocates**

versus

M/S GARG STEEL & ORS. Defendant

Through: **Mr. Subhash Chawla (VC),
Advocate for D-10 to 13.**

**CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY
GULATI (DHJS)**

**ORDER
12.01.2024**

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IA No. 1621/2023 filed on behalf of defendant no. 10 under Order 1 Rule 10 (2) r/w Section 151 CPC for substituting and impleading Smt. Uma Rathi as defendant no. 10 in place of present defendant Sh. Arun Rathi consequent upon Smt.Uma Rathi becoming a Trustee of the Trust Rathi Foundation in place of Sh. Arun Rathi.

On 16.10.2023, ld. Counsel for defendant no. 10 was granted two weeks time to file rejoinder to the reply filed by the plaintiff. However, no rejoinder has been filed on the ground that ld. counsel met with an accident on 19.11.2023. The period of two weeks granted on 16.10.2023 patently expired much before 19.11.2023. Consequently, right to file rejoinder stands closed.

Put up for arguments on the next date of hearing.



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Defendant no. 16 has been deleted.

Rights of defendant no. 1 to 5, 7 & 14 to 22 to file written statement have already been closed.

Pleadings qua defendant no. 6, 8, 9, 10 to 13 are complete.

Defendant no. 10 to 13 were directed to file fresh affidavit of admission and denial of documents since some of the additional documents filed by the plaintiff had not been responded to in the affidavit filed by defendant no. 10 & 11 in response to the additional documents. Period of four weeks was granted. However, the affidavit has not been filed on the same ground that ld. counsel has met with an accident on 19.11.2023. Period of four weeks granted on 16.10.2023 expired prior to 19.11.2023. Consequently, right of def no. 10 to 13 to file affidavit of admission and denial of plaintiff's additional documents stands closed. It needs a highlight that affidavit of admission / denial on behalf of defendant no. 10 & 11 to the extent that it admits or denies the documents of the plaintiff including the additional documents shall form part of record for carrying out admission and denial of documents. However, the additional documents of the plaintiff which have not been responded to by defendant no. 10 & 11 shall be deemed to have been admitted.

It needs a highlight that there is no affidavit of admission and denial of documents on behalf of defendant no. 12 & 13 to the additional documents filed by the plaintiff. However, on the last date, ld. Counsel for the defendant no. 10 to 13 had submitted that def no. 12 & 13 shall be adopting the affidavit of admission and denial of documents of defendant no. 10 & 11 qua



the additional documents. Consequently, the affidavit of admission and denial of documents already on record on behalf of defendant no. 10 & 11 wherein it responds to seven of the 27 additional documents filed by the plaintiff shall also be read as affidavit to that extent on behalf of defendant no. 12 & 13 also.

Defendant no. 6, 8 & 9 were also granted four weeks time on the last date which is 16.10.2023 to file affidavit of admission and denial to the documents filed by the plaintiff alongwith the replication. However, no such affidavit has been filed and there has been no appearance today on behalf of defendant no. 6, 8 & 9. Consequently, right to file affidavit of admission and denial of documents, on behalf of defendant no. 6, 8 & 9, to respond to the documents filed by the plaintiff alongwith the replication stands closed. All such documents are deemed to have been admitted.

Put up for completion of pleadings on 28.03.2024.

**AJAY GULATI - I (DHJS),
JOINT REGISTRAR (JUDICIAL)**

JANUARY 12, 2024/sk

Click here to check corrigendum, if any