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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 791/2023**
HARISH AGRAWAL

.....Plaintiff

Through: Mr. Ashok Kumar Garg, Mr. Gagan
Dhingra, Ms. Abha Tyagi, Advs.
(Through VC)

versus

ASHWANI AGRAWAL & ORS.

.....Defendants

Through: Mr. Harry Chhibber, Adv. for D1 to 3
(M: 9205437671, Email:
kcgandpartners@gmail.com)

CORAM:

DR. JAGMINDER SINGH (DHJS) JOINT REGISTRAR (JUDICIAL)

ORDER

% **30.07.2024**

I.A. No. 7521/2024(Application U/O XXXIX Rule 4 by defendants)

Learned counsel for plaintiff accepted the notice of this application and seeks time to file reply. Let same be filed within four weeks, with advance copy to the opposite party and rejoinder thereto, if any, may also be filed within two weeks thereafter.

Hence, put up for completion of pleadings in this IA before the next date of hearing.

I.A. No. 7174/2024(Application for condonation of delay of 12 days in filing written statement on behalf of defendant no. 1 to 3)

It is submitted by learned counsel for applicant that he had accepted the service on 05.01.2024 and he was expected to file the written statement



within 30 days i.e. on 04.02.2024. However, the written statement was filed on 22.02.2024 i.e. with a delay of about 18 days from the initial 30 days. The delay was not intentional, therefore, same may be condoned.

Reply has been filed by the plaintiff opposing the same. Today, learned counsel for plaintiff appeared in the morning but matter was passed over on the request of learned proxy counsel for applicant. However, thereafter, no one appeared on behalf of the plaintiff despite repeated passovers. As per learned counsel for defendants, he had also informed telephonically to the learned opposite counsel to appear but no one appeared. So, no further adjournment is granted and arguments accordingly heard.

I have considered the submissions and perused the records. As per case history, the written statement was initially filed on 16.02.2024. The defendants entered appearance through counsel on 05.01.2024 as per order sheet of that date. Therefore, the written statement has been initially filed after the delay of about 12 days from the initial 30 days. Keeping in view the facts and circumstances, the delay in filing the written statement stands condoned.

The captioned IA stands allowed and **disposed of.**

Written statement on behalf of defendant no. 1 to 3 accordingly be taken on record.

CS(OS) 791/2023

Written statement of defendant no. 1 to 3 has been taken on record.

Put up for completion of pleadings in accordance with law and thereafter for completion of process of filing of Joint Document Schedule in terms of **Rule 7A of Chapter VII of The Delhi High Court (Original Side)**



Rules, 2018 physically by plaintiff after getting it signed from defendants, admission / denial of documents and marking of Exhibits in accordance with law on 05.09.2024.

Documents, if e-filed be filed physically by parties so as to mark the Exhibits.

**DR. JAGMINDER SINGH (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JULY 30, 2024/sms

[Click here to check corrigendum, if any](#)