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

+ CS(OS) 709/2024 & I.A.No.38350/2024 (under Order XXXIX Rule 1 & 2 CPC)

SMT MANJU AGGARWAL

..... Plaintiff

Through: Mr. Puneet Goel, Adv.  
(appeared through VC)

versus

SMT SANTOSH AGGARWAL & ORS.

..... Defendant

Through: Mr. Arvind Kr. Jha, Adv. for D-1  
& 5.  
Advocate for D-2 & 3  
(appearance not given).

**CORAM:**

**JOINT REGISTRAR (JUDICIAL) SH. MANISH  
SHARMA, (DHJS)**

**ORDER**  
**02.05.2025**

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**I.A. 7900/2025 (under Section 5 of limitation act read with Section 151 CPC for condonation of delay in filing written statements on behalf of defendant nos. 2 and 3)**

1. Learned counsel for the non-applicant/plaintiff states that the delay in filing the written statement is beyond 120 days.
2. The Hon'ble Court in the order dated 03/04/2025 has observed that in the captioned IA, defendant nos.2 & 3 have not mentioned date of their service.
3. It is averred in the captioned IA that the defendant nos.2 & 3 could not file written statement within stipulated period as they were informed by their mother, who is defendant no.1 in the present case, she is trying to settle

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the matter with the plaintiff being the family dispute and in view of the said fact, they were under the impression that the plaintiff will withdraw the matter. It is further averred that on 17/01/2025 they came to know that the plaintiff is not withdrawing the matter and thereafter they took all the necessary steps to file the written statement in the present suit.

4. Heard. Record perused.
5. Perusal of record shows that summons of the suit was issued to the defendant no.2 received back with the report 'refused by his wife' on 21/09/2024.
6. Summons of the suit issued to the defendant no.3 at his second address was served on 07/12/2024.
7. Further perusal of record shows that the defendant nos.2 & 3 have filed their written statement on 10/03/2025 which is still lying under objection. Learned counsel for defendant nos.2 & 3 submits that the Registry has raised objection regarding delay and the same will be taken on record only after disposal of the captioned IA.
8. In view of the aforesaid, it is apparent that the defendant no.2 failed to file the written statement within the extended period of 120 days.
9. As far as the defendant no.3 is concerned, defendant no.3 has filed the written statement for the first time on 10/03/2025 whereas the defendant no.3 was served with the summons of the suit on 07/12/2024, which is beyond the stipulated period of 30 days, however, the same has been filed within the extended period of 120 days. Defendant no.3 also mentioned sufficient reason in the application for delay in filing the written

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statement. According to delay in filing the written statement by defendant no.3 is condoned.

10. Perusal of record shows that the written statement filed on behalf of defendant no.3 is lying under objection. Registry is directed to place the written statement of defendant no.3 on record if the objection is with regard to delay only.

11. Learned counsel for the defendant nos.2 & 3 submits that the defendant no.2 wishes to adopt the written statement filed on behalf of defendant no.3 and shall also file an affidavit in this regard.

12. IA stands disposed of.

**I.A.No.11044/2025 (under Section 151 CPC filed on behalf of defendant nos.1 & 5 for condonation of delay in filing the written statement)**

13. Learned counsel for the plaintiff accepts notice of the captioned IA and submits that he has no objection, if the same is allowed.

14. Heard. Record perused.

15. In view of the averments made in the captioned IA and also in view of the no objection furnished by learned counsel for the plaintiff, the captioned IA is allowed. Delay in filing the written statement by the defendant nos.1 & 5 is condoned and the same is taken on record.

16. IA stands disposed of.

**CS(OS) 709/2024 & I.A.No.38350/2024 (under Order XXXIX Rule 1 & 2 CPC)**

17. As per office note, vakalatnama, written statement and affidavit of admission/denial of documents have been filed on behalf of defendant nos.1 & 5.

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18. Written statement filed on behalf of the defendant nos.2 & 3 is lying under objection. Let appropriate steps be taken to have the same placed on record.
19. Let the pleadings be completed as per law.
20. Re-notify the matter for completion of pleadings and admission/denial of documents on **21<sup>st</sup> August, 2025.**

**MANISH SHARMA, (DHJS)  
JOINT REGISTRAR (JUDICIAL)**

**MAY 2, 2025/nk**

*Click here to check corrigendum, if any*

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