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

+ CS(OS) 736/2024 I.A. No. 43492/2024 (by plaintiffs u/O
XXXIX Rules 1, 2, 2A r/w Section 151 CPC)

ANASTASIA MIRJANA JOJIC OBEROI & ORS.

.....Plaintiff

Through: Mr. Swapnil Gupta, Ms. Shivambika
Sinha, Mr. Aadil Singh Bopari, Mr.
Gurveer Lally, Mr. Abhishek Dubey
& Mr. Harshit Gupta, Advs.

versus

RAJARAMAN SHANKAR & ORS.

.....Defendant

Through: Mr. Shankh Sengupta, Mr. Ribhu
Garg, Mr. Shreyansh Sharma and
Mr. Tanmay Patnaik, Advs. for D-1
and 2.

Ms. Amita Katragadda with Ms.
Surabhi Khattar & Mr. Manthan
Nagpal, Advs. for D-3.

Mr. Narendra M. Sharma with Ms.
Shubhangi Tiwari and Ms. Sahana
Sathiya Narayanan, Advs. for D-4
& 9.

Mr. Aseem Chaturvedi, Mr. Shivank
Diddi & Ms. Perna Banerjee, Advs.
for D-5 & 6.

Mr. Aman Gupta with Mr. Akarsh
Pandey & Mr. Amogh Rao, Advs.
for D-7 & 8.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)**

ORDER

22.05.2025

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I.As. No. 1037/2025, 1038/2025, 1066/2025 & 1067/2025

1. It is submitted that the captioned IAs are coming up for hearing before the Hon'ble Court on 22.07.2025.

I.A. No. 608/2025 (by D-3 for condonation of delay of 89 days in filing reply to IA No. 39245/2024) &

I.A. No. 654/2025 (by D-1 & 2 for condonation of delay of 89 days in filing reply to IA No. 39245/2024).

2. Ld. Counsel for plaintiff already submitted that he did not wish to file reply to the captioned IAs and would like to argue the same straightaway.
3. Ld. Counsel for plaintiff has submitted that he has no objection if the captioned IAs are allowed.
4. Heard. For the reasons stated in the application and in view of above submissions, delay in filing reply to IA No.39245/2024 by defendant no.3 and defendants no.1 & 2 is condoned and the same be taken on record.
5. The captioned IAs stand disposed off accordingly.

I.A. No. 604/2025 (by D-4 for condonation of delay of 87 days in filing WS) &

I.A. No. 651/2025 (by D-9 for condonation of delay of 89 days in filing WS).

6. Pleadings qua the captioned IA are already complete.
7. Ld. Counsel for plaintiff submits that he has no objection if the captioned IAs are allowed.
8. Heard. For the reasons stated in the application and in view of the above submission, delay in filing written statements on behalf of the defendants no.4 and 9 is condoned and the same be taken on record if complete in other respects.

9. The captioned IAs stand disposed off accordingly.

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I.A. No. 655/2025 (by D-4 for condonation of delay of 89 days in filing WS) &

I.A. No. 652/2025 (by D-6 for condonation of delay of 89 days in filing WS).

10. Separate replies to the captioned IAs were already filed on behalf of the plaintiff.
11. As per office noting, separate rejoinders to said replies have been filed on behalf of respective applicant.
12. Pleadings qua the captioned IAs are complete.
13. Ld. Counsel for plaintiff as well as defendants no.5 & 6 have submitted that they have no objection if captioned IAs are allowed subject to some reasonable cost.
14. Heard. For the reasons stated in the application and in view of submissions made on behalf of the parties, delay in filing written statements on behalf of defendants no.5 and 6 is condoned and the same be taken on record if complete in other respects, subject to cost of Rs.5,000/- upon each defendant to be paid to the plaintiff. Cost not paid, same be paid on or before next date of hearing.
15. The captioned IAs stand disposed off accordingly.

I.A. No. 649/2025 (by D-3 for condonation of delay of 89 days in filing WS)

16. Reply to the captioned IA was already filed on behalf of the plaintiff.
17. Ld. Counsel for defendant no.3 already submitted that he did not wish to file any rejoinder to the reply of plaintiff qua the captioned IA.
18. Pleadings qua the captioned IA are complete.
19. Arguments on the captioned IA heard from both sides.

20. Ld. Counsel for plaintiff as well as defendant no.3 have submitted that they have no objection if captioned IAs are

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allowed subject to some reasonable cost.

21. Heard. For the reasons stated in the application and in view of submissions made on behalf of the parties, delay in filing written statements on behalf of defendant no.3 is condoned and the same be taken on record if complete in other respects, subject to cost of Rs.5,000/- to be paid to the plaintiff. Cost not paid, same be paid on or before next date of hearing.

22. The captioned IA stands disposed off accordingly.

I.A. No. 653/2025 (by D-1 & 2 for condonation of delay of 89 days in filing WS);

23. Reply to the captioned IA was already filed on behalf of the plaintiff.

24. Ld. Counsel for defendants no.1 and 2 already submitted that he did not wish to file any rejoinder to the reply of plaintiff qua the captioned IA.

25. Pleadings qua the captioned IA are complete.

26. Arguments on the captioned IA heard from both sides.

27. For the reasons stated in the application and in view of submissions made on behalf of both the parties, delay in filing written statement on behalf of defendants no.1 & 2 is condoned and the same be taken on record if complete in other respects subject to cost of Rs.5,000/- upon each defendant to be paid to the plaintiff. Cost not paid, same be paid on or before next date of hearing.

28. The captioned IA stands disposed off accordingly.

I.A. No. 650/2025 (by D-7 for condonation of delay of 89 days in filing WS) &

I.A. No. 607/2025 (by D-8 for condonation of delay of 89 days in filing WS).

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29. Separate replies to the captioned IAs were already filed on behalf of the plaintiff.

30. As per office noting, rejoinders to the above said replies have been filed on behalf of defendants no.7 and 8.

31. Ld. Counsel for defendants no.7 and 8 has submitted that though they had submitted on last date of hearing that they did not wish to file any rejoinder, however, they have filed their rejoinders and the same may be taken on record. Heard. Let rejoinders filed by the defendants no.7 & 8 are taken on record.

32. Pleadings qua the captioned IAs are complete.

33. At this stage, Ld. Counsel for defendants no.7 and 8 has submitted that there is some typographical mistake in their written statement and he wishes to move appropriate application in respect of the same. Adjournment has been sought on behalf of defendants no.7 and 8 for addressing arguments.

34. Re-notify the captioned IAs for arguments on next date of hearing.

I.A. No. 48003/2024 (by plaintiff u/O VIII Rule 1 of CPC for closing right of defendants to file WS)

35. At request, re-notify the captioned IA for consideration on next date of hearing.

I.A. No. 39245/2024 (by plaintiff u/O XXXIX Rules 1 & 2 CPC)

36. Perusal of record would show that separate replies to the captioned IA were already filed on behalf of defendants no.1 & 2 and defendant no.3. The same be taken on

record in terms of order passed today in IAs No.654/2025

and 608/2025.



37.The plaintiff may file rejoinder to the above said replies of defendants no.1 to 3 within four weeks.

38.Perusal of record would show that separate replies to the captioned IA were already filed on behalf of defendants no.4, 5, 6 and 9.

39.Ld. Counsel for plaintiff has submitted that he has filed rejoinder to the replies of defendants no.4, 5, 6 and 9. However, the same are lying under objection. Two weeks time has been sought by Ld. Counsel for plaintiff for removing the objections. Not opposed. Let appropriate steps be taken as per law for getting the rejoinders placed on record within two weeks from today.

40.Office noting further shows that documents with list of documents have been filed on behalf of plaintiff vide diary no.3528278/2025. Ld. Counsel for plaintiff submits that he has filed the said documents in support of the captioned IA.

41.Ld. Counsel for defendants no.7 and 8 submits that he does not wish to file reply to the captioned IAs.

I.A. No. 39247/2024 (by plaintiff u/O II Rule 2 CPC)

42.Perusal of record shows that separate replies to captioned IA were already filed on behalf of defendants no.5 and 6.

43.Ld. Counsel for defendants no.4 & 9 has submitted that reply to captioned IA was filed by defendant no.4 vide diary no.1997206/2025 and by defendant no.9 vide diary no.1997246/2025. However, the same are not on record.

Let report be called from Registry in this regard.

44.As per office noting, separate rejoinder to the replies filed by defendants no.4, 5, 6 and 9 have been filed on behalf of the plaintiff.

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45.No reply to the captioned IAs has been filed on behalf of the defendants no.1 & 2 despite many opportunities and they have also not paid cost of Rs.3,000/- to the plaintiff in terms of order dated 24.03.2025. Some more time has been sought. Not opposed. Let the same be filed within two weeks from today. Let previous cost be also paid on or before next date of hearing.

46.Ld. Counsel for defendants no.7 and 8 submits that he does not wish to file reply to the captioned IAs.

CC No. 06/2025 and CC No. 07/2025

47.Ld. Counsel for counter-claimants/defendants no.5 & 6 have submitted that they have filed the captioned counter-claims against the respondent/plaintiff as well as other respondents/defendants. He has further submitted that in support of the captioned counter-claims, the counter-claimants/defendants no.5 & 6 are relying upon the documents filed vide diary nos.159562/2025 and 159862/2025.

48.Heard. Issue summons in the counter-claims.

49.Ld. Counsels for respondent/plaintiff as well as other respondents/defendants accept summons in counter claim subject to contention that the counter-claims are not maintainable and seeks time to file their written statement and affidavit of admission/denial of documents.

50.All the respondents in the counter-claim shall file their written statement alongwith affidavit of admission/denial qua documents of counter-claimants/defendants no.5 & 6 filed vide diary nos.159562/2025 & 159862/2025 within

30 days from today with advance copy to the counter-claimants/defendants no.5 & 6, who may file replication



alongwith affidavit of admission/denial of documents thereafter within 30 days.

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51. Perusal of record shows that separate written statements and affidavit of admission/denial of documents were already filed on behalf of all the defendants.
52. As per office noting, documents filed on behalf of the defendant no.4 alongwith written statement have been placed in appropriate folder in terms of previous order.
53. The delay in filing written statements of defendants no.1 to 6 & 9 have been condoned and the same be taken on record in terms of order passed today.
54. The plaintiff may file replication alongwith affidavit of admission/denial of documents qua defendants no.1 to 6 and 9 as per law.
55. It is submitted that applications for condonation of delay in filing written statements on behalf of defendants no.7 and 8 are pending for consideration.
56. An application seeking closure of right of defendants to file written statement is also pending for consideration on behalf of the plaintiff.
57. Let the pleadings be completed as per law.
58. Re-notify the matter for completion of pleadings and further proceedings on **06th August, 2025**.

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MAY 22, 2025/v

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

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