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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 129/2017

M/S IFCI FACTORS LIMITED

..... Plaintiff

Through: Mr. Raghav Awasthi, Adv.

versus

JAGANNATH SARANGAPANI & ORS Defendants

Through: Ms. Debolina Roy, Adv. for D-1

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. PRIYA MAHENDRA, (DHJS)

ORDER

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27.02.2024

IA No.23497/2023 under Section 151 CPC moved by the defendant no.1 seeking condonation of delay in re-filing IA No.23498/2023

IA No.23498/2023 under Section 151 CPC moved by the defendant no.1 seeking condonation of delay in filing Written Statement to the second Amended Plaint

On the last date of hearing, the last and final opportunity was granted to the plaintiff to file reply to the captioned IAs but till date no reply to the captioned IAs has been filed by the plaintiff. At this stage, it is stated by learned counsel for the plaintiff that he does not wish to file any reply to the captioned IAs and will directly argue the same.

Arguments heard. During the course of the arguments, learned counsel for the applicant/defendant no.1 has conceded that even after the benefit of ***Suo Moto Judgement*** by which the Hon'ble Supreme Court of India extended the period of limitation for all the matters from 15.03.2020 to 28.02.2022 is extended to the applicant, still there is about 200 plus days delay in filing the Amended Written Statement by the defendant no.1. At this stage, learned counsel for the applicant submits that the statutory period for filing Written Statement does not strictly apply



in the case of Amended Written Statement and seeks some time to file relevant case laws. So, both the parties are directed to file relevant case laws/judgment in support of their respective submissions within two weeks with copies to be exchanged.

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

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It is stated by learned counsel for the plaintiff that the plaintiff has already filed an appropriate application for change of name of plaintiff and AR of the plaintiff vide diary no.417415 on 24.02.2024. He also submits that she has also filed some documents in support of the applications alongwith fresh Vakalatnama. As per office note, no such application filed by the plaintiff is on record, whereas the documents and fresh Vakalatnama filed by the plaintiff are on record. The learned counsel for the plaintiff is directed to take requisite steps to bring the said applications on record as a last and final opportunity.

It is already recorded in the order dated 28.03.2023 that Written statement to the second amended plaint has been filed by D-2 & 3. As per record, Written Statement to the second amended plaint filed by defendant no.1 vide diary no.559926/2023 is on record. However, application seeking condonation of delay in filing Written Statement to the Amended Plaint filed by defendant no.1 is pending consideration.

Further, perusal of the record reveals that the defendant no.1 has not filed Affidavit of Admission/Denial of the documents in respect of the documents filed by the



plaintiff till date. Needless to say, Affidavit of Admission/Denial of the documents, if any, filed by the defendant no.1 shall be made part of the record as per law.

Vakalatnama has not been filed by the Official Liquidator for the defendant no.5 till date despite repeated opportunities. None is present on behalf of defendant no.5 today to explain in this regard.

Re-notify the matter for further proceedings on 15.07.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 27, 2024/ab

Click here to check corrigendum, if any