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

+ **CS(OS) 768/2024**

SHRI VIVEK PREMKUMAR GUPTA & ANR.

.....Plaintiff

Through: Mr. Arvind Bhatta & Ms. Swastika Singh, Advs. for plaintiff (Email ID: advocate.swastikasingh@gmail.com & advocate.arvindbhatt@gmail.com) (through VC).

versus

MS. BRIGITTE LAXMI SINGH & ORS.

.....Defendant

Through: Mr. Sanjay K. Shandilya, Adv. for D-2 & 3 (through VC) (Email ID: advshandilyasanjay@gmail.com)

Ms. Prabhsahay Kaur, Standing Counsel with Mr. Aditya Verma, Advs. for D-4/ DDA.

Ms. Avni Singh, Panel Counsel for GNCTD with Ms. Prapti Singh, Adv. for D-5 and D-6 (Email ID : legal.avni@gmail.com).

D-1 is yet to be served.

CORAM:

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

ORDER

27.02.2025

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Proceedings are being conducted through hybrid mode.

I.A. No. 5198/2025 (by D-4 for condonation of delay of 60 days in filing written statement)

1. Ld. Counsel for plaintiff accepts notice of the captioned IA and submits that he does not wish to file any reply to the same and has no objection if the same is allowed.



2. Heard. For the reasons stated in the application and in view of the above submissions, delay in filing written statement on behalf of defendant no.4 is condoned and the same be taken on record if complete in other respects.
3. The captioned IA stands disposed off accordingly.

CS(OS) 768/2024;

I.A. No. 40384/2024 (by plaintiff u/S 151 CPC and u/S 5 of Limitation Act for condonation of delay of 37 days in re-filing of suit)

4. As per office noting, written statement and affidavit of admission/denial of documents have been filed on behalf of defendants no.2 and 3 vide diary no.5914899/2024.
5. Office noting further shows that documents with list of documents have been filed on behalf of defendants no.2 and 3 vide diary no.5914919/2024. Ld. Counsel for defendants no.2 and 3 has submitted that due to some inadvertent mistake, he has mentioned that the above said index has been filed on behalf of defendants no.1 and 2 instead of defendants no.2 and 3.
6. Heard. It appears that due to some typographical and inadvertent mistake, defendants no.1 & 2 was mentioned in index of documents filed on behalf of defendants no.2 and 3 vide diary no.5914919/2024. The same be read as defendants no.2 and 3 instead of defendants no.1 and 2.
7. Office noting also shows that replication and affidavit of admission/denial of documents have been filed on behalf of the plaintiff qua defendants no.2 and 3 vide dairy no. 140462/2025.
8. Office noting further reveals that written statement and affidavit of admission/denial of documents have been filed by defendant no.4 vide diary no.158242/ 2025 and



158182/2025. Same be taken on record in terms of order passed today while disposing off IA No. 5198/2025.

9. Office noting further shows that documents with list of documents have been filed on behalf of defendant no.4 vide diary no.160642/2025.
- 10.Ld. Counsel for defendants no.5 and 6 has submitted that she has filed written statement and affidavit of admission/denial of documents on behalf of defendant no.5 and she does not wish to file any written statement and affidavit of admission/denial of documents on behalf of defendant no.6. However, written statement stated to be filed on behalf of defendant no.5 has not come on record. Let appropriate steps be taken as per law.
- 11.Ld. Counsel for plaintiff has submitted that he has no objection if delay, if any, in filing written statement on behalf of defendant no.5 is condoned. Heard. In view of the same, Registry is directed to take written statement on behalf of defendant no.5 on record if there is any delay in filing the same.
- 12.At request of Ld. Counsel for plaintiff, Ld. Counsel for defendants no.5 and 6 submits that she will supply copy of written statement and affidavit of admission/denial of documents of defendant no.5 to Ld. Counsel for plaintiff within two days. Let the same be supplied accordingly.
- 13.The plaintiff may file replication alongwith affidavit of admission/denial of documents qua defendants no.4 and 5 as per law.
- 14.Ld. Counsels for defendants no.2 to 6 have submitted that they do not wish to file any reply to the captioned IA and have no objection if the same is allowed.



15. Office noting further indicates that summons issued to the defendant no.1 through ordinary mode received back unserved with report of 'locked' and summons issued through speed post received back unserved with report of 'left'.
16. At request, issue fresh summons of suit and notice of the captioned IA to defendant no.1 through email as well as WhatsApp for the next date. The plaintiff is directed to file affidavit of service at least one week before the next date of hearing.
17. The defendant no.1 shall file written statement, affidavit of admission/denial of documents and reply to the captioned IA within 30 days from the date of service with advance copy to the plaintiff, who may file replication, affidavit of admission/denial of documents and rejoinder qua the captioned IA thereafter within 30 days.
18. Let the pleadings be completed as per law.
19. Re-notify the present matter for completion of service, completion of pleadings and further proceedings on **16th May, 2025**.

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)

FEBRUARY 27, 2025/v

Click here to check corrigendum, if any