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

+ CS(OS) 877/2024, I.A. 7918/2025, I.A. 5204/2025,
I.A. 8467/2025, I.A. 8025/2025

M/S ATISHAY JAIN CONSTRUCTIONSPlaintiff

Through: Mr. Alok Kothari, Adv. (through VC)

versus

SH. ANIL KUMAR VERMA & ORS.Defendant

Through: Mr. Jitender Ratta, Ms. Anjana Adv. for
D-1
Mr. Gaurav Sharma, Adv. for D- 2 & 3
(through VC)
Mr. Kapil Verma, Adv. for D-5
Mr. Mayank Bansal, Adv. for D-7
(through VC)

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

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21.04.2025

Matter is taken up through physical hearing as well as video conferencing.

I.A. 7918/2025 (Application u/S. 5 of Limitation Act r/w Order VIII Rule 1 r/w Sec. 151 CPC filed by defendant no.7)

I.A. 5204/2025 (Application u/O VIII Rule 1 r/w Sec. 5 of Limitation Act r/w Sec.151 CPC filed by defendant no.2 and 3)

I.A. 8467/2025 (Application u/O VIII Rule 1 r/w Sec. 5 of Limitation Act r/w Sec.151 CPC filed by defendant no.1)

Arguments heard. Ld. Counsels for defendants have stated that delay in filing Written Statement of defendant no.1, 2 and 3 and defendant no.7 has been caused which is neither intentional nor deliberate and the facts and circumstances have been explained in the applications.



Ld. Counsel for plaintiff has stated that delay of more than 60 days in filing Written Statements has been caused and defendants should be burdened with cost for causing delay in the case.

Heard. Keeping in view the facts and circumstances mentioned in the applications and submissions of the parties, all the abovesaid applications are allowed and delay in filing Written Statements is condoned subject to cost of Rs. 2000/- each to be paid per application to the plaintiff. Written Statements of defendants no.1,2,3 and 7 are taken on record subject to removal of any other objection raised by the Registry. **All the abovesaid IAs stand disposed off.**

I.A. 44058/2024 (Application u/O XXXIX Rule 1 and 2 CPC filed by plaintiff)

Reply has been filed by defendants no.1, 2 and 3. Rejoinder, if any, may be filed by plaintiff within two weeks with advance copy to the opposite party. Ld. Counsel for defendant no.7 has stated that Written Statement may be considered as Reply to the abovesaid I.A.

I.A. 8025/2025 (Application u/O VII Rule 11 r/w Sec. 151 CPC filed by defendant no.1)

Reply, if any, may be filed by plaintiff within two weeks with advance copy to the opposite party. Rejoinder, if any, may be filed by applicant before the next date of hearing.



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Defendant no.5 has appeared in person and requested for some more time to file Written Statement on behalf of defendant no. 4, 5 and 6 who are related to each other. Written Statement alongwith application for condonation of delay may be filed before the next date of hearing.

Matter is already coming up before Hon'ble Court on 08.05.2025.

**TYAGITA SINGH, (DHJS),
JOINT REGISTRAR (JUDICIAL)**

APRIL 21, 2025/SM

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