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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 110/2017

SOUTH DELHI MUNICIPAL CORPORATION

..... Plaintiff

**Through: Mr. Rakesh Mittal, Standing Counsel for
SDMC**

versus

DELHI GURGAON SUPER CONNECTIVITY LIMITED &ORS.. Defendants

Through: Mr. Ashish Dholaria, Adv for D1

**Mr. Aditya Nayyar & Ms Bani Brar,
Advs for D2 & 3.**

CORAM:

SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

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29.08.2017

Defendants 1 & 3 have already filed their written statement. They have also filed documents alongwith written statement. Counsel for plaintiff submits that he has not received the written statement of defendant No.3. Let another copy of written statement be supplied to counsel for plaintiff against proper receipt.

IA No. 7663/2017 (u/O VII Rule 11 CPC filed by D-2)

Reply to the IA already filed by plaintiff.

Counsel for defendant No.2 submits that he has not received the copy of reply. Let another copy of reply be supplied to counsel for defendant No.2 against proper receipt within two working days from today positively.

Counsel for defendant wants to file rejoinder to the reply of plaintiff.

Let the rejoinder, if any be filed by defendant/applicant within three weeks with advance copy to counsel for plaintiff.



IA No. 9827/2017 (u/O VIII Rule 1 & Section 151 CPC preferred by D-1 for seeking condonation of delay in filing the written statement)

Heard

Notice.

Mr. Rakesh Mittal, Standing Counsel for SDMC accepts notice of the IA and he seeks time to file reply.

Let reply to the IA be filed by plaintiff within three weeks from today with advance copy to counsel for defendant No.1 against proper receipt, who may file rejoinder thereto, within two weeks thereafter.

IA No. 9826/2017 (u/O XIII Rule 1 CPC filed by D-1 for seeking exemption from filing original documents)

Notice of IA is accepted by counsel for plaintiff.

Heard on IA.

The instant IA is hereby allowed, subject to all just exceptions.

IA stands disposed of accordingly.

CS(OS) 110/2017

Defendant no.2 has not filed its response to the suit of the plaintiff till date.

Counsel for plaintiff prays for closing the opportunity of defendant No.2 for filing of the written statement.

On the other hand, counsel for defendant No.2 submits that since defendant has moved an application under Order VII Rule 11 CPC for rejection of plaint therefore, no written statement has been filed on its behalf. He further submits that in support of his contentions, he is supported by judgements passed by Apex Court in case titled *as R. K. Roja vs U. S. Rayudu & Anr (2016) 14 Supreme Courts Cases 275 and Saleem Bhai & Ors vs State of Maharashtra & Ors (2003) 1 Supreme Courts Cases 557*.



Renotify the matter for completion of pleadings qua IA No. 7663/2017 and arguments on IA No. 9827/2017 on 25.10.2017.

**SH. RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

AUGUST 29, 2017
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