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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 787/2018**
DR. KAPIL GANDHI

..... Plaintiff

Through: Mr. Navdeep Singh, Adv.
versus

PERFECT WELLNESS PRIVATE LIMITED

..... Defendant

Through: Mr. Saraswata Mohapatra, Adv.

CORAM:
SH. VIJAY SHANKAR (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER

% **22.10.2018**

I.A.No. 11870/2018 under Section 5 of Limitation Act r/w Order VIII (1) and Section 151 CPC for condonation of delay in filing the written statement

It is submitted by counsel for the defendant that in the present case, the written statement could not be filed by the defendant within statutory period and delay in filing the written statement be condoned for the reasons as mentioned in the aforesaid application.

It is submitted by counsel for the plaintiff that he has no objection, if the aforesaid application is allowed subject to cost.

Arguments heard on the aforesaid application of the defendant. Perused the material available on record. Considering the facts, circumstances and in view of the submissions made, aforesaid application of the defendant is allowed subject to cost of Rs. 5,000/- to be deposited with Army Welfare Fund Battle Casualties.

IA stands disposed of.



I.A.No. 11014/2018 under Order VII Rule 11 (a) & (d) CPC filed by the defendant

Counsel for the plaintiff seeks time for filing reply of the aforesaid application. Heard. Request is allowed. Reply be filed within two weeks with direction to supply the advance copy of the same to the opposite counsel.

Rejoinder, if any, be filed within one week thereafter with direction to supply the advance copy of the same to the opposite counsel.

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Written statement already stated to be filed. Copy already stated to be supplied.

Counsel for the plaintiff seeks time for filing replication. Heard. Request is allowed. Replication be filed within two weeks with direction to supply the advance copy of the same to the opposite counsel.

Parties are directed to file their affidavit of admission/denial of the documents in accordance with The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 within two weeks with direction to supply the advance copy of the same to each other.

At joint request, re-notify the matter for completion of pleadings qua the aforesaid application and admission/denial of the documents on **21st January, 2019.**

**VIJAY SHANKAR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 22, 2018/nk