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

+ **CS(OS) 912/2024**
NARENDER KUMAR ARORA

.....Plaintiff

Through: Mr. Arun Bhalla, Mr. Anurag
Sharma & Mr. Abdul Wahid,
Advs.

versus

VIJAY KUMAR ARORA & ORS.

.....Defendant

Through: Mr. Arvind, Mr. Anil Gupta &
Ms. Mrinalini Khatri, Advs. for
D-1 to 3
Mr. Vivek, Adv. for D-5

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. SUMIT
DALAL, (DHJS)

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ORDER
10.02.2026

I.A.No.3628/2026 (under Order VIII Rule 1 r/w Section 148 & 151 CPC r/w Section 5 of the Limitation Act filed on behalf of defendant no.1 to 3 seeking condonation of delay in filing the written statement)

1. Issue notice.
2. Learned counsel for the plaintiff accepts notice of the captioned IA and seeks time to file reply.
3. Let reply to the captioned IA be filed within four weeks with advance copy to the opposite side.
4. Rejoinder, if any, be filed within two weeks thereafter.

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5. As per office note, written statement filed on behalf of the defendant no.1 to 3 has been returned under objection. Let appropriate steps be taken to have the



same placed on record.

6. Learned counsel for the defendant no.5 submits that the plaintiff has not complied with the directions of the order dated 23.09.2025 and has not yet supplied copy of complete plaint paper book.
7. Submissions are objected to by learned counsel for the plaintiff and submitted that the order was complied with and paper book was supplied within a week from the said order. He seeks time to bring on record proof of the said service.
8. Perusal of record reveals that the defendant no.6 appeared before this Court on 19.09.2025 through video conference. Till date the defendant no.6 has not filed written statement. Even if this Court considers 19.09.2025 as the date of service of defendant no.6 condonable period of 120 days is expired.
9. Perusal of record reveals that the defendant no.4 has not yet been served. It is observed that the summons were refused but the Process Server failed to affix the summons in compliance of the Order 5 Rule 17 CPC. Resultantly, this Court is not considering refusal as a valid service.
10. Issue fresh summons of the suit to the defendant no.4 through all permissible modes, returnable on the next date of hearing.
11. In case of refusal of summons again on behalf of defendant no.4, Process Server is directed to affix the summons at the conspicuous part of the address of defendant no.4 after ascertaining that the address is of defendant no.4.



12. Let pleadings be ~~continued~~ as per law.

13. Re-notify the matter for completion of pleadings/further proceedings on **28th April, 2026**.

SUMIT DALAL, (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 10, 2026/nk