

\$~10

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

+ **CS(OS) 1782/2014**

M/S KUSHAL INFRAPROJECT INDUSTRIES INDIA LTD

..... Plaintiff

Through Mr. B.S.Maam and Mr. Paritosh
Tomar, Advocates

versus

SURESH KUMAR & OTHERS Defendants

Through Mr. Anand Yadav, Advocate

CORAM:

**SH. ANIL KUMAR SISODIA (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **18.02.2016**

IA No. 23910/2015 and IA No. 24805/2015

Defendant nos. 1 to 4 have filed the present applications for recalling of the order dated 09.10.2015 vide which right of the defendants to file written statement was closed and seeking condonation of delay in filing the written statement.

No reply to these applications has been filed on behalf of the plaintiff.

Ld. counsel for plaintiff submits that he has no objection if the written statement of defendant nos. 1,2 and 4 are taken on record.

In my considered opinion, once the rights of the defendant to file written statement have already been closed, the proper remedy under the Delhi High Court Original Side Rules is to file Appeal before the Hon'ble Court for getting the orders set-aside. Hence, these applications filed by

defendants are dismissed being not maintainable.

IAs stand disposed off accordingly.

CS(OS) 1782/2014

Defendant nos. 1 to 4 submits that he had filed written statement on behalf of defendant no.3 on 07.11.2015 vide Dy. No. 598035, but the same was returned, as it was the joint written statement on behalf of defendant nos. 1 to 3. Ld. counsel for defendant no.3 is at liberty to avail the legal remedies under the law.

Defendant no.5 is unserved.

Fresh steps be taken for service of defendant no.5 on filing of fresh address, PF, Speed Post and approved courier, returnable for **12th May, 2016.**

**ANIL KUMAR SISODIA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 18, 2016

savita