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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 1628/2010

PRADEEP GODHWANIPlaintiff

Through: Mr. Sachin Saini, Adv.

versus

PARTHO ROY CHOWDHRY & ANOTHER

.....Defendants

Through: Mr. S. K. Bhaduri, Ms.
Shreyangana Bag & Ms. Neetu
Gupta, Advs. for D-2

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% **04.02.2025**

IA no.14263/2022

The captioned IA has already been disposed of. So, the registry is directed not to show the captioned IA in the cause list again.

**IA No. 14262/2022 u/O XXII R.4 (4) CPC by plaintiff
exempting the plaintiff from substitution of LRs of D-1**

Heard. It is stated in the captioned IA that the Written Statement of deceased defendant no.1 is not on record, even the Affidavit of Admission/Denial of the documents in respect of the documents filed by the plaintiff, had not been filed by deceased defendant no.1. Further, the delay in filing Written Statement by defendant no.1 was not condoned by the Ld. Joint Registrar vide order dated 28.09.2012 which was challenged by the defendant no.1 by way of an OA 129 of 2012 which was dismissed for non-prosecution on 11.08.2015 by this Hon'ble Court. The defendant no.1 has, thus, lost his right to file Written Statement and there is no appearance on behalf of defendant no.1 since 20.09.2017. The defendant no.1 has failed to appear and contest the suit.



The defendant no.1 has not filed Written Statement and also not contested the suit. So, the captioned IA stands allowed as prayed for. Accordingly, the captioned IA stands disposed of.

IA no.10540/2010 under Order XXXIX Rule 1&2 CPC moved by the plaintiff; and
IA no.7689/2014 under Section 14 of the Specific Relief Act r/w Order VII Rule 14 CPC moved by defendant no.2.

Pleadings in the captioned IAs are already complete.

At the joint request, place both the captioned IAs before the Hon'ble Court on 21.03.2025, for further directions.

CS(OS) 1628/2010

As per office note, the Mediation Report has been received that the parties could not reach any amicable settlement.

The captioned IAs i.e. under Order XXXIX Rule 1&2 CPC filed by the plaintiff and under Section 14 r/w Order VII Rule 14 CPC filed by the defendant no.2, are pending consideration.

The matter may be placed before the Hon'ble Court on 21.03.2025, for further directions.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 4, 2025/ab

Click here to check corrigendum, if any