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

+ **CS(OS) 150/2017**

SHRI AZAM KHAN

..... Plaintiff

Through

Mr. S.D.Ansari with Mr. I.Ahmed
Advs.

versus

SHRI GUL MOHAMMAD & ORS

..... Defendants

Through None

CORAM:

**SANJEEV AGGARWAL (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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27.10.2017

CS(OS) 150/2017

Though no process fee was filed qua the service of defendant nos. 3 & 6, however learned counsel Mr. Kshitiz Aggarwal had appeared on his own on behalf of said defendant nos. 3 & 6 on the last date of hearing i.e. 27.09.2017. However despite repeated calls, nobody has turned up on behalf of all the defendants today.

Defendant nos. 1 & 2 have been served on 09.08.2017, defendant nos. 4 has been served on 10.08.2017, defendant no.5 has been served on 15.08.2017 and defendant no.7 has been served on 11.08.2017. Despite expiry of 30 and 60 days respectively, no written statement has been preferred on their behalf despite due service as above. Further nobody has even turned up on behalf of said defendants to explain the delay on their behalf nor any application has been moved seeking condonation of delay. In these circumstances, the

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right to file written statement on behalf of defendant nos. 1,2,4, 5 & 7 is liable to be closed.

Since appearance had only come on behalf of defendant nos. 3 & 6 on the last date of hearing i.e. 27.09.2017, time to file written statement qua them is still to expire. Therefore, written statement be filed by defendant nos. 3 & 6, within the time stipulated u/O VIII R.1 CPC, with copy to opposite party, who may file replication thereto within two weeks from receipt of the same.

Re-notify for completion of pleadings on next date of hearing.

IA No. 4077/2017 u/O XXXIX R.1 &2 CPC

Despite opportunity no replies have been filed by defendant nos. 1, 2, 4, 5 & 7 to the present IA. Nobody has even turned up on their behalf to explain in this regard.

Regarding defendant nos. 3 & 6, same be filed within same timeline as granted in CS(OS) 150/2017 with rejoinder within two weeks of receipt of the same.

Re-notify for completion of pleadings on this IA on 24.01.2018, subject to further directions by the Hon'ble Court on the date already fixed there i.e. on 03.11.2017.

**SANJEEV AGGARWAL (DHJS)
JOINT REGISTRAR (JUDICIAL)**

At 12.20 pm

At this stage, Mr. Kshitiz Aggarwal, learned proxy counsel for

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defendant nos. 1, 2, 3, 5, 6 & 7 has appeared and submits limitation for filing written statement on behalf of defendant nos. 3 & 6, is still to expire. He further submits that he will be filing an appropriate application for recall of the above order, reply to the pending application(s) as well as written statements on behalf of defendant nos. 1, 2, 5 & 7. He is at liberty to do so, as advised, as he submits that main counsel was suffering from severe throat infection, therefore written statement/replies could not be filed. He is apprised about the today's order and next date of hearing.

Re-notify on date already fixed i.e. 24.01.2018, subject to further directions by the Hon'ble Court on the date already fixed there i.e. 03.11.2017.

SANJEEV AGGARWAL (DHJS)
JOINT REGISTRAR (JUDICIAL)

OCTOBER 27, 2017/cd