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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 395/2016

SH CHARANJIV SINGH GADH Plaintiff

Through: Mr. Mahir Malhotra (joined
through VC) with Mr. Neeraj
Grover & Mr. Angad Deep Singh
(physically), Advs.

versus

SH SARABJIT SINGH & ORS Defendants

Through: Mr. Jagjit Singh & Mr. Preet
Singh, Advs. for D-1
Mr. August Kumar, Adv. for
D-2&3 (joined through VC)
Mr. Naveen Kumar Raheja &
Mr. Vimal Dubey, Advs. for D-4
None for D-5&6
Mr. Vikrant Pachnanda & Mr.
Mukul Katyal, Advs. For
D-7/DDA
Mr. Kshitij Sharda, Adv. for D-8
(joined through VC)
Mr. Suresh Sharma, Adv. for
D-9&10 (joined through VC)
Ms. Shailja Singh, D-11 (joined
through VC)

CORAM:

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

ORDER

% **02.04.2024**

**IA No.7275/2024 under Order VIII Rule 1 CPC moved
by defendnat no.7/DDA seeking condonation of delay in
filing Written Statement**

Learned counsel for the plaintiff accepts notice of
the captioned IA and submits that he has no objection, if
captioned IA is allowed.

Heard. In view of above and in view of reasons
stated in the application, the captioned IA stands allowed
to the extent that the delay, if any, in filing Written
Statement by the defendant no.7 is condoned and the same



is taken on record. Accordingly, the captioned IA stands disposed of.

IA no.1679/2024 under Chapter VIII Rule 1 CPC moved by the plaintiff seeking leave to pursue IA No.8929/2021; and

IA No.1680/2024 moved by the plaintiff seeking exemption from filing Apostiled Affidavit

Learned respective counsels for defendant no.7,8&11 already stated that they do not wish to file any reply to the captioned IAs as they do not pertain to them.

Learned respective counsels for defendant no.1 and defendant no.2&3 seek some more time to file reply to the captioned IAs. At request, reply, if any, to the captioned IAs be filed by defendant no.1,2&3 within two weeks as a last and final opportunity with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

The learned respective counsels for other defendants present today i.e. defendant no.4 and 9&10 submit that they do not wish to file any replies to the captioned IAs as the same is not pertain to them.

Reply to the captioned IAs has not been filed by defendant no.5&6 till date. None is present on behalf of said defendants today to explain in this regard. So, the right of the defendant no.5&6 to file reply is ordered to be closed.

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

IA No.8929/2021 (u/Order XI R 1 CPC filed by the plaintiff seeking interrogatories from defendant no.1 to 3 and 7)

Pleadings qua defendant no.1,2,3&7 are already complete.



Put arguments already heard.

Two applications i.e. seeking leave to pursue the captioned IA and seeking exemption from filing Apostiled Affidavit, filed by the plaintiff are pending consideration.

Re-notify the captioned IA on the next date of hearing.

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It is stated by learned counsel for the defendant no.1 that he has not received copy of the amended plaint pursuant to order dated 29.01.2024. The same is strongly contested by learned counsel for the plaintiff. At this stage, it is stated by learned counsel for the plaintiff that without prejudice to his rights and contentions and in order to expedite the matter, he will supply again copy of amended plaint to learned counsel for the defendant no.1. On receipt of same, the defendant no.1 is directed to file Amended Written Statement within four weeks with copy to the opposite side. Replication, thereto, be filed by the plaintiff within stipulated period with copy to the opposite side.

The defendant no.2&3 have not filed Amended Written Statement till date. Learned counsel for the defendant no.2&3 seeks some time for the same. In the interest of justice, no adverse order is being passed today and two weeks' time is granted to defendant no.2&3 to file Amended Written Statement with copy to the opposite side. Thereafter, the plaintiff is at liberty to file Amended Replication to the same within stipulated period with copy to opposite side.

As per office note, Amended Written Statement filed by defendant no.4 is lying under objections. It is



stated by learned counsel for the defendant no.4 that the only objection raised by the registry is that the same is not filed within the stipulated period. At his oral request, the delay, if any, in filing the Amended Written Statement by the defendant no.4 is condoned and the defendant no.4 is directed to take requisite steps to bring Amended Written Statement on record. The plaintiff is at liberty to file Amended Replication with copy to the opposite side.

Amended Written statement filed by defendant no.7 is taken on record vide order of even date. The defendant no.7 has also filed some documents, which are on record. As per record, Affidavit of Admission/Denial of the documents filed by defendant no.7 is already on record. The plaintiff is directed to file Amended Replication within four weeks with copy to the opposite side.

As per office note, Amended Written Statement filed by defendant no.8 is on record. As per record, Affidavit of Admission/Denial of the documents filed by defendant no.8 is already on record. The plaintiff has already filed Amended Replication to the same, as per office note. **So, the pleadings qua defendant no.8 are complete.**

Amended Written Statement alongwith Affidavit of Admission/Denial of the documents filed by defendant no.9 and 10 and Joint Amended Replication to the same filed by the plaintiff are on record. On perusal of the Affidavit of Admission/Denial of the documents filed by defendant no.9&10, it is found that the same is not filed in the prescribed format as per Chapter VII of Delhi High Court (Original Side) Rules. So, the defendant no.9&10 is



directed to file fresh/revised Affidavit of Admission/Denial of the documents in the prescribed format as per law within two weeks with copy to the opposite side.

Amended Written Statement filed by defendant no.11 is under objections. So, the defendant no.11 undertakes to check up the same with the registry to get the same placed on record after removing the objections, if any. The plaintiff is at liberty to file Amended Replication to the same with copy to opposite side.

Re-notify the matter for completion of pleadings/further proceedings on 12.07.2024.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

APRIL 2, 2024/ab

Click here to check corrigendum, if any