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

+ **CS(OS) 441/2018**

LAKHVINDER SINGH & ORS. Plaintiffs

Through: **Mr. S.S.Oberoi, Adv.**

versus

DALJEET KAUR & ORS. Defendants

Through: **Mr. Deepak Sahni, Adv.**
for D-5, 9, 10 & 11.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 18.11.2019

OA No.140/2019(filed by D-5, 9, 10 & 11 for setting aside order Dt:19.2.19) with IA No.15974/2019(for condonation of 225 days delay in filing the Chamber Appeal and IA No.15975/2019(for exemption)

1. The appellants/defendants no.5, 9, 10 & 11 in this suit for partition of immovable property did not appear despite service and did not file any written statement.
2. The Joint Registrar, vide order dated 19th February, 2019 recorded that defendant no.5 was served on 24th October, 2018, defendants no.9 and 11 were served on 14th November, 2018 and defendant no. 10 was served on 23rd November, 2018 and statutory period for filing written statement had expired.
3. Medical grounds have been cited for non-appearance.
4. Though the same are not relevant inasmuch as the appearance could

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have been entered and written statement filed but the counsel for the plaintiff appears and finding the suit to be for partition and still pending for service of other defendants and completion of pleadings, it is deemed appropriate to allow the appeal and applications.

5. The appeal and the applications are disposed of.

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6. Subject to the defendants no. 5, 9, 10 and 11 paying costs of Rs.20,000/- to the counsel for the plaintiff and filing their written statement on or before 20th November, 2019 when the suit is listed next before the Joint Registrar, the same shall be taken on record else the Chamber Appeal shall be deemed to have been dismissed and the right to file written statement shall remain closed.

7. List before the Joint Registrar on 20th November, 2019, as already scheduled.

RAJIV SAHAI ENDLAW, J

NOVEMBER 18, 2019
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