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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 3597/2014**
M/S CHOPRA MARKETING PVT LTD Plaintiff

Through Mr. Amit Bhatnagar, Adv.

versus

SALMAN RUSHDIE & ORS Defendants

Through Mr. H.P.Singh, Adv. for D-5, Mr.
Sanat Kumar, Adv. for D-6 and Ms.
Upasana Kang, Adv. for D-7, 8 & 9

CORAM:

ASHUTOSH KUMAR (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER

% **02.03.2016**

IA No. 2090/2016 under Order VIII Rule 10 r/w section 151 CPC
moved on behalf of plaintiff for striking off the defence of
defendant no.6

As per record, written statement of defendant no.6 was filed on 18.02.2016. Learned counsel for defendant no.6 has pointed out that vide previous order dated 17.02.2016, Hon'ble Court had observed that if the written statement is not filed by defendant no.6 by 22.02.2016, the Joint Registrar shall place this application before Hon'ble Court on 14.03.2016, to argue that from the same it is clear that the said defendant was permitted to file written statement up to 22.02.2016 and there was no need for moving any formal application. However learned counsel for plaintiff has submitted that the said written statement was not formally ordered to be taken on record by

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the Hon'ble Court and the said defendant needs to move an appropriate application under Order VIII Rule 1 CPC for condonation of delay. At request, list before Hon'ble Court on 14.03.2016, for further directions.

IA No. 25347/2015 under Order VIII Rule 1 r/w section 151 CPC moved on behalf of defendant no. 5 for condonation of delay of 60 days in filing written statement.

Learned counsel for plaintiff has submitted that in fact there is delay of 101 days in filing written statement beyond statutory period on behalf of defendant no.5. However learned counsel for defendant no.5 has refuted the same and has submitted that there is a delay of 60 days only.

Considering the facts and circumstances, in view of the reasons mentioned in the application and in order to do substantive justice between the parties, the delay in filing written statement is condoned, subject to payment of cost of Rs. 5,000/- by the said defendant to the plaintiff. IA is accordingly disposed of.

CS(OS)3597/20145

Written statement of defendant no. 5 is taken on record. Learned counsel for defendant nos.7,8 & 9 has submitted that three different applications under Order VIII Rule 1 CPC for condonation of delay in filing written statement have been moved on behalf of said defendants vide diary nos. 637953, 637933 & 737914 respectively on 02.12.2015. However the same are not on record. She undertakes to check up with the registry and get the same placed on record. Learned

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counsel for plaintiff has stated that only defendant nos. 1,3 and 4 remain to be served whereas defendant nos. 2, 10,11 and 12 have already been served and affidavit of service alongwith proof of service in this regard have already been filed. However the said affidavit of service is not on record. Hon'ble Court has already directed the registry to place on record the same before next date of hearing.

List before Hon'ble Court on date already fixed there i.e. 14.03.2016, for further directions.

ASHUTOSH KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

MARCH 02, 2016/cd