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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(OS) 1161/2015

RAKESH GUPTA & ANR ..... Plaintiff  
Through Mr. Sanjay Goswami, Adv.

versus

SUSHIL KUMAR GUPTA & ORS ..... Defendant  
Through Mr. Deepak Chopra, Adv. For D-1&2

**CORAM:**

**ASHUTOSH KUMAR (DHJS), JOINT REGISTRAR (JUDICIAL)**

**ORDER**

% **01.12.2015**

**I.A. No.21642/2015 under Section 80 (2) r/w Section 151 CPC moved on behalf of plaintiff**

As per office note, notice of the application was served upon defendant no.1,2&4 through counsel. In spite of that no reply has been filed by any of said defendants. Hence opportunity to file the same is closed.

List before the Hon'ble Court on 09.12.2015 i.e. date already fixed, for further directions.

**I.A. No.8777/2015 under Order XXXIX Rule 1&2 CPC moved on behalf of plaintiff**

Reply to IA has been filed by defendant no.1,2&4.

Learned counsel for the plaintiff has submitted that rejoinders to the same are ready and shall be filed within two days.

List before the Hon'ble Court on 09.12.2015 i.e. date already fixed, for further directions.

**CS(OS) 1161/2015**

Learned counsel for the defendant no.1&2 has submitted that earlier he was representing defendant no.4 also but some other counsel is representing defendant no.4 now and he is no longer representing her. He has further submitted that written statement of defendant no.1&2 was filed beyond 30 days from the date of their service but the same was filed within

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90 days of service. At his request, which is not opposed by learned counsel for the plaintiff except to the extent that cost may be imposed, written statement of defendant no.1&2 is taken on record, subject to payment of cost of Rs.5000/- each by said defendants to the plaintiff.

Learned counsel for the plaintiff has submitted that written statement of defendant no.4 was filed beyond the stipulated statutory period from the date of service. Even none has appeared on behalf of said defendant to explain in this regard. Hence defendant no.4 is liable to be proceeded ex-parte. Even none is present on behalf of defendant no.3. As per order dated 25.08.2015 of the Hon'ble Court, it is cleared that all the defendants were served. Hence defendant no.3 is also liable to be proceeded ex-parte.

Learned counsel for the plaintiff has submitted that he shall file replication to the written statement of defendant no.1&2 within two days.

Contesting parties of both sides may file their respective original/certified copies of documents within eight weeks with copies to be exchanged.

Re-notify the matter for admission/denial of documents, on 04.01.2016, subject to further directions by the Hon'ble Court for the date already fixed there i.e. 09.12.2015.

**ASHUTOSH KUMAR (DHJS)  
JOINT REGISTRAR (JUDICIAL)**

**DECEMBER 01, 2015/ab**