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

+ CS(OS) 437/2018 and IA 15424/2018, IA 15425/2018, IA 17257/2018, IA 17262/2018, CRL.M.A. 36005/2018, I.A. 12203/2025, I.A. 12204/2025

KARN LUTHRA

.....Plaintiff

Through: Mr. Rajiv Dewan, Mr. Manoj Kumar & Mr. Raunak Gupta, Advs.

versus

SH. M.K. SUBBA

.....Defendant

Through: Mr. Arjun Aggarwal, Adv. for D-1(a) (appeared through VC)
Mr. Manish Kumar Srivastava,
Mr. Hardik Vashisht & Mr. Moksh Arora, Advs. for D-1(b)
Ms. Aarohi Malik, Mr. Arjun Malik & Mr. Kharanshu Rana, Advs. for D-1(c)
Ms. Isha Ghai, Adv. for D-1(d),(e) and (f) [Mobile No.9958973857]

CORAM:

JOINT REGISTRAR (JUDICIAL) SH. MANISH SHARMA, (DHJS)

ORDER

10.10.2025

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I.A. 30532/2024 [under Section 151 CPC filed by applicant/Defendant no.1(c)] & I.A. 30533/2024 [Application u/O VIII Rule 1 CPC filed by defendant no.1(c)]

1. Reply to the captioned IAs have already been filed on behalf of the plaintiff.
2. It is averred in the captioned IAs that the defendant no.1 (c) filed the written statement on 22.02.2024, however,



the same was returned under objection. It is further averred that pursuant to the said objections, certain amendments were made in the written statement. It is also averred that counsel for the defendant could not take proper instructions from the applicant as the applicant was travelling abroad and due to this reason, objections could not be removed within the prescribed period of 30 days, however, the same was filed within the extended period of 120 days. It is prayed that delay in filing and re-filing the written statement may be condoned.

3. Reply to the captioned IA has been filed by the plaintiff. It is averred in the reply that the captioned IA is liable to be dismissed. It is also averred that defendant no.1 (c) was served with the copy of the documents on 16.12.2022 and sought four weeks time to file written statement and this fact is also mentioned in the order dated 19.12.2022 passed by the learned Joint Registrar (Judicial). It is further averred that counsel for the plaintiff had made submission on 25.04.2024 that the defendant no.1 (c) served in December, 2022 but no written statement has been filed. It is also averred that the defendant no.1 (c) had submitted that written statement was e-filed on 22.02.2024 but no diary number has been provided by learned counsel for defendant no.1 (c). It is submitted that there is an inordinate delay in filing written statement and the captioned IA may be dismissed with cost.

4. Heard. Record perused



5. The present is a suit for recovery filed by the plaintiff against the defendant.
6. It is a matter of record that the original defendant had already filed the written statement.
7. Perusal of record shows that the LRs of defendant no.1 were impleaded in the present case by the Hon'ble Court vide order dated 14.02.2022. Thereafter, learned counsels for LRs of defendant no.1 submitted that they have received copy of the paper book on 16.12.2022 as noted by the learned Predecessor in the order dated 19.12.2022. It is the case of the applicant/defendant no.1 (c) that written statement was filed by defendant no.1 (c) on 22.02.2024, however, the same was returned under objection. It is quite evident from the record that the defendant no.1 (c) failed to file the written statement within the period of 120 days and in view of the same, written statement of defendant no.1 (c) cannot be taken on record. Accordingly, the captioned IA is dismissed.
8. IA stands disposed of.

IA 15424/2018 [under Order VII Rule 11 CPC filed on behalf of defendant no.1(d), 1(e) & 1 (f)];

IA 15425/2018 [under Section 151 CPC filed on behalf of defendant no.1(d), 1(e) & 1 (f)];

IA 17257/2018 [under Order XI Rule 11 & 14 CPC filed on behalf of defendant no.1(d), 1(e) & 1 (f) seeking discovery and production of certain documents from the plaintiff];

IA 17262/2018 [under Section 45 of the Indian Evidence Act filed on behalf of defendant no.1(d), 1(e) & 1 (f) seeking seizure of original promissory note dated 16.09.2015 and sending the same to CFSL for forensic



examination] &

CRL.M.A. 36005/2018

9. Pleadings are already stated to be complete.

CS(OS) 437/2018

10. Perusal of record shows that admission/denial of the documents is yet to be conducted.

11. Parties are directed to file the original documents within four weeks.

12. Re-notify the matter for admission/denial of documents on **04th December, 2025.**

**MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 10, 2025/nk