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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 444/2017**
SHANTA GANGWANI & ORS

.....Plaintiffs

Through: Mr.Harsh Sethi, Adv.

versus

JKM BUILDHOME PVT LTD & ORS

.....Defendants

Through: Mr.Ajay Singh, Mr.Vivek
Kumar Singh & Mr.Manthan
Dixit, Advs. for D-6.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

29.08.2024

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I.A. 18270/2019

1. This application has been filed by the plaintiffs under Order VIII Rule 10 of the Code of Civil Procedure, 1908, praying for the pronouncement of the judgment and for consequent directions to the parties, for their failure to file the written statements.
2. The right of the defendant no.1 to file the written statement was closed on 14.03.2018. Similarly, by an Order dated 23.12.2019, the right of the defendant nos.2 to 5 to file the written statements was also closed. The right of the defendant no.6 to file the written statement was closed on 29.05.2019.
3. Thereafter, the defendant no.6 challenged the Order dated 29.05.2019, by way of a Chamber Appeal, being O.A. 17/2023. The same was dismissed by this Court *vide* its Order dated 24.02.2023.



Aggrieved of the said Order, the defendant no.6 has challenged the same by way of a petition under Article 136 of the Constitution of India, being SLP (C) 16341/2023, titled ***Shubhdeep Kar v. Shanta Gangwani & Ors.*** The Supreme Court, *vide* its Order dated 21.07.2023, condoned the delay in filing of the said petition and issued notice of the same to the respondents, including the plaintiff herein. The said petition is pending adjudication before the Supreme Court.

4. The learned counsel for the plaintiff insists that since there is no stay granted by the Supreme Court on the further proceedings of the present suit, this Court must adjudicate upon this application.

5. A perusal of the previous orders passed in the present suit would show that the suit/application was being adjourned, awaiting the outcome of the abovementioned Special Leave Petition.

6. The plaintiffs shall, therefore, be at liberty to seek a clarification from the Supreme Court if the present application can be heard during the pendency of the abovementioned Special Leave Petition.

7. List on 18th December, 2024.

NAVIN CHAWLA, J

AUGUST 29, 2024/rv/SJ

[Click here to check corrigendum, if any](#)