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

+ **CS(COMM) 1136/2018**

**MR. TOSHIKI AIBA AS THE BANKRUPTCY TRUSTEE
OF THE ESTATE OF VIPAN KUMAR SHARMA** Plaintiff

Represented by: None.

versus

MR. VIPAN KUMAR SHARMA & ANR. Defendants

Represented by: Mr.Shashank Garg, Mr.Tariq Khan
and Ms.Aastha Jain, Advocates for
defendant No.1/applicant.
Mr.Divyakant Lahoti, Ms.Amrita
Grover and Mr.Parikshit Ahuja,
Advocates for defendant No.2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **24.10.2019**

I.A. 14894/2019 (exemption)

Allowed, subject to all just exceptions.

O.A. 126/2019 (against order dated 17th September, 2019-by defendant No.1)

1. Aggrieved by the order dated 17th September, 2019 whereby the written statement of defendant No.1 was not taken on record on the ground that it was beyond the statutory period of 120 days, defendant No.1 has preferred the present appeal.

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2. Case of the defendant No.1 is that the learned Joint Registrar wrongly came to the conclusion that the defendant was served on 4th October, 2018 whereas in fact the defendant No.1 was served on 16th December, 2018 and the written statement was filed on 2nd February, 2019, within the extended period of 120 days.

3. Issue notice to the plaintiff/non-applicant on the applicant taking steps through ordinary and dasti process and through the counsel as well, returnable on 16th December, 2019.

MUKTA GUPTA, J.

OCTOBER 24, 2019
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