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

+ **CS(OS) 535/2016**

SHASHI AGRAWAL

..... Plaintiff

Through: Ms Divyaa Kapur, proxy for Mr Akshay
Makhija, Adv

versus

VIJAY KUMAR AGRAWAL & ORS

..... Defendant

Through: Ms Ruhini Dey, Adv for D1 & 9
Mr Mayank Mikhail Mukherjee, Adv
for D2, 3, 4, 6, 7 (i), (ii) and D8 (ii) &
(iii)
Mr Abhishek Vikram, Adv for D5 &
D8(i)

CORAM:

SH. AJAY KUMAR KUJAR (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

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05.07.2017

**IA No. 6583/2017 (u/O VIII Rule 1 r/w Section 151 CPC for
condonation of delay of 63 days in filing the written statement
filed by D-5)**

**IA No. 6574/2017 (u/O VIII Rule 1 r/w Section 151 CPC for
condonation of delay of 63 days in filing the written statement
filed by D-8 (i))**

Learned counsel for the plaintiff accepts notice of these IAs.

Although, the notice issued for 04.08.2017, but with the
consent of the parties, these IAs are taken up today.

Heard.

Keeping in view of the submission and the reasons assigned in these applications, the delay in filing the written statements of defendants 5 & 8(i) is hereby condoned and the written statements be taken on record.

Let replication to these written statements be filed by the plaintiff within four weeks time.

Accordingly, IAs stand disposed of.

In view of the above, the date for 04.08.2017 stands cancelled.

IA No. 16250/2016 (u/O 26 Rule 10 A CPC for sending the Will of Late Sh Jagdish Kumar Aggarwal to CFSL filed by the plaintiff)

Reply has been filed by defendants 1 & 9.

Rest of the defendants have expressed no desire to file any reply and as such have no objections to the application.

Learned counsel for the defendants 1 & 9 has submitted that an application has been moved under Order XII Rule 6 CPC, and Order VII Rule 11 CPC wherein it has been contended that the Will in question has already been admitted by the plaintiff in some other proceedings therefore, the suit should be disposed of. This application is listed for hearing before the Hon'ble Court on 23.08.2017.

In view of the submission made and the fact any order on this application before the Hon'ble Court may have some bearing on their application IA No. 16250/2016, it will be appropriate and justified if, the present application under Order XXVI Rule 10 A CPC be taken up for consideration, after the Hon'ble Court pass an order on the application under Order XII Rule 6 CPC filed by D1& 9.

Let the matter be placed before the Hon'ble Court on

23.08.2017, the date already fixed for further directions.

SH. AJAY KUMAR KUHAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

JULY 05, 2017

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