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

+ **CS(OS) 426/2017**

SATISH KUMAR @ SATISH GOYAL

..... Plaintiff

Through: Mr. V. K. Jain, Adv

versus

LATA JAIN & ORS.

..... Defendants

Through: Mr. Sanjeet Singh & Ms. Yamini

Khurana, Advs for D1 to 5.

Mr. Prashant Shekhar, Adv for D6

Ms. Anumita Chandra, Adv for D-8

Mr. B.S. Mathur & Rajat Mathur, Adv
for D-9 to 11.

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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28.05.2018

**IA No. 7427/2018 (u/S 151 CPC filed by D-1 to 5 for seeking
condonation of delay in re-filing of application under Order VIII
Rule 1 CPC)**

**IA No. 7426/2018 (u/O VIII Rule 1 r/w Section 151 CPC filed by
D-1 to 5 for seeking condonation of delay in filing of written
statement)**

Notice of both the IAs accepted by counsel for plaintiff, who has no objection, if the IAs preferred by defendants are allowed, subject to terms and conditions as deemed fit by the Court.

For the reasons mentioned in the IAs and the submissions advanced by learned counsel for both the parties, the delay in re-filing of application under Order VIII Rule 1 CPC as well as delay in filing



of written statement by defendants 1 to 5 is hereby condoned, in the interest of justice, subject to cost of Rs 10,000/- payable by defendants to plaintiff within a week.

Written statement already filed by defendants alongwith IA is directed to be taken on record.

Both the IAs stand disposed of accordingly.

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Learned counsel for plaintiff submits that defendant No. 6 has not filed his response to the suit of plaintiff within the statutory period as prescribed in CPC. He further submits that written statement filed by defendant No. 6 may be taken off the record.

On the other hand, counsel for defendant No. 6 seeks time to move appropriate application for seeking condonation of delay in filing of written statement.

Let application, if any be filed by defendant No.6 within four weeks.

Replication to the written statement of defendants 10 & 11 filed by plaintiff. Pleadings qua defendants 9, 10 & 11 are complete.

Defendant No.7 not served till date.

As per office report, defendant No.7 is not residing at the given address. Plaintiff is directed to verify the address of defendant No.7 and furnish his fresh address, if available.

Let fresh summons of the suit be issued to defendant No.7 vide all prescribed modes including dasti and electronics, returnable for next date of hearing.



Let replication to the written statement of defendants 1 to 5 alongwith affidavit for admission/denial of documents be filed by plaintiff within six weeks with advance copy to counsel for defendants.

Defendants shall file their affidavit for admission/denial of documents within two weeks from the date of receipt of replication and documents, if any from the plaintiff.

Parties are directed to produce the original documents in their power and possession in the Court, if not filed earlier alongwith their pleadings, on the next date of hearing at the time of admission/denial of documents.

List the matter for service report qua defendant No.7, completion of pleadings qua rest of the defendants and marking of exhibits to the documents on 14.09.2018.

**SH. RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MAY 28, 2018
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