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

+ **CS(OS) 417/2017**

MR. ASHOK KUMAR JAIN

.....Plaintiff

Through: **Mr. Lalit Gupta and Mr. Priyansh Jain, Advs.**

versus

MR. VARDHMAN JAIN & ORS

.....Defendants

Through: **Mr. Bhaskar Tiwari and Mr. Raghav Tiwari, Advocates**

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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03.12.2024

I.A. 32797/2024

1. This is an application on behalf of the Defendants under Order VIII Rule 1 CPC seeking condonation of delay in filing written statement to the amended plaint.
2. This case is coming up for hearing pursuant to the Order dated 27.09.2024 passed by the learned Joint Registrar since a serious objection was taken by the learned Counsel for the Plaintiff to take on record the amended written statement to be filed along with the amended plaint. The amended plaint has been filed on 06.01.2024. There is a dispute regarding the date on which the amended written statement has been filed.
3. Learned Counsel for the Defendants states that it was filed on 21.05.2024 whereas the learned Counsel for the Plaintiff states that it was filed on 18.06.2024.



4. Be that as it may, there is a power in Court to condone the delay in filing the amended written statement. However, in view of the fact there is a delay in filing the amended written statement, let amended written statement be accepted subject to the token fine of Rs.5,000/- to be paid by the Defendants to the Advocates Welfare Fund.

5. The application is disposed of.

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1. The Plaintiff is granted 30 days' time to file replication to the amended written statement.
2. List before the Joint Registrar on 17.12.2024.
3. Needless to state that replication to the amended written statement shall be accompanied by an affidavit with the admission/denial of documents filed by the Defendants.
4. Interim orders to continue.

SUBRAMONIUM PRASAD, J

DECEMBER 03, 2024

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