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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2691/2015**
GURNAM KAUR Plaintiff

Through Mr. Manish Vashisht and Mr. Sameer
Vashisht, Advocates

versus

BSES RAJDHANI & OTHERS Defendants

Through Mr. Deepak Pathak, Adv. for
D-1&3& Mr. Jayendra, Adv. for D-2

CORAM:

ASHUTOSH KUMAR (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER

% **13.01.2016**

IA No. 22584/2015 under Order VIII Rule 10 CPC moved by
plaintiff for striking off the defence of the defendants

Learned counsel for plaintiff has submitted that since defendant no.2 is only a proforma defendant, therefore, present application is for striking off the defence of defendant nos.1&3, who have not filed their written statements till date even after expiry of extended period of 90 days from the date of appearance on their behalf on 04.09.2015.

No reply to the captioned application has been filed by defendant nos. 1&3 inspite of grant of four weeks time vide previous order dated 16.11.2015. Hence no justifiable ground for further opportunity to the said defendants is made out and accordingly their right to file the same, is closed.

List before Hon'ble Court on next date of hearing, for further directions

CS(OS) 2691/2015 and IA No. 18536/2015 (by the plaintiff u/O
XXXIX R 1&2 CPC)

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Learned counsel for defendant nos. 1 and 3 and that of defendant no.2 have submitted that the written statement and reply to the captioned applications are ready and have to be signed by the concerned authorised person and the same shall be filed shortly alongwith an application for condonation of delay.

Learned counsel for plaintiff has strongly objected to the same and has submitted that appearance was entered on behalf of the said defendants on very first date on 04.09.2015, when defendants were granted four weeks time to file written statement and reply to captioned application and thereafter on the last date of hearing of 16.11.2015, learned counsel for defendant nos.1&3 had submitted that he shall file the same within two weeks alongwith an application for condonation of delay in filing written statement but till date no written statement and reply to captioned application has been filed by said defendants even after expiry of extended period of 90 days from the date of appearance on their behalf on 04.09.2015. Law shall take its own course regarding non-filing of written statement within stipulated period.

At request of learned counsel for plaintiff, list before Hon'ble Court on date already fixed there i.e. 10.02.2016, for further directions.

ASHUTOSH KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

JANUARY 13, 2016/cd