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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 183/2023**
JITEN MAHAJAN & ANR. Plaintiffs
Through: **Mr. Sachar Bandoori, Adv.**

Versus

RAKESH KUMAR & ORS. Defendants
Through: **Mr. Hargun Singh Kalra, Adv.**
for D-2/DDA
Mr. Anupam Srivastava, Adv.
for D-3 to 5
Mr. Mahesh Ch. Sharma, Adv.
for D-8&9 (Mob.8860986900)

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)

ORDER

% **01.11.2023**
IA No. 7999/2023 under Order I Rule 10 (2) CPC
moved by the plaintiffs for impleadment of proposed
defendants

It is already stated by learned counsel for the defendant no.1,6&7 that he does not wish to file any reply to captioned IA without prejudice to the rights and contentions of defendant no.1,6&7.

It is already stated by learned counsel for the defendant no.2 that he does not wish to file any reply to the captioned IA as the same does not pertain to him.

It is already stated by learned counsel for the defendant no.3 to 5 that he too does not wish to file any reply to captioned IA.

It is stated by learned counsel for the defendant no.8&9 that he could not file reply to the captioned IA as despite directions, learned counsel for the plaintiff has not supplied complete paper book of plaint with documents to him. So, the plaintiff is directed to supply the complete



paper book of plaint and documents to learned counsel for the defendant no.8&9 within one week. Thereafter, reply, if any, be filed by the defendant no.8&9 within two weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

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As per office note, Vakalatnama filed on defendant no.9 is on record.

Written Statement has not been filed by the defendant no.1 till date. None is present on behalf of the defendant no.1 today to explain in this regard. Needless to say, the same shall be made part of the record as per law. Moreover, it be noted that one Written Statement filed by the defendant vide diary no.1790282 is lying under objections. The concerned defendant is directed to take requisite steps to bring the same on record.

Written Statement filed by the defendant no.2 is now on record. Affidavit of Admission/Denial of the documents and documents filed by defendant no.2 are already on record. So, the plaintiff is directed to file Replication alongwith Affidavit of Admission/Denial of the documents in the prescribed format as per Chapter VII Rule 6 of Delhi High Court (Original Side) Rules, within stipulated period as prescribed by law with copy to the opposite side.

It is already stated by learned counsel for the defendant no.3 to 5 that he does not wish to file any Written Statement as said defendants are only proforma defendants.

Learned counsel for the plaintiff has fairly conceded



that inadvertently, he could not sent copy of complete paper book to learned counsel for the defendant no.6&7. He undertakes to supply complete paper book to learned counsel for the defendant no.6&7 within one week. Thereafter, Written Statement alongwith Affidavit of Admission/Denial of the documents be filed by the defendant no.6&7 within statutory period with copy to the opposite side. The plaintiff is at liberty to file Replication alongwith Affidavit of Admission/Denial of the documents thereto within the period as prescribed by law with copy to the opposite side.

Learned counsel for the defendant no.8&9 submits that he could not file the Written Statement as he has not received complete paper book of plaint with documents from the plaintiff. So, the plaintiff is directed to supply the complete paper book of plaint and documents to learned counsel for the defendant no.8&9 within one week. Thereafter, Written Statement alongwith Affidavit of Admission/Denial of the documents be filed by the defendant no.8&9 within statutory period with copy to the opposite side. The plaintiff is at liberty to file Replication alongwith Affidavit of Admission/Denial of the documents thereto within the period as prescribed by law with copy to the opposite side.

Re-notify the matter for completion of pleadings/further proceedings on 15.01.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
NOVEMBER 1, 2023/ab

Click here to check corrigendum, if any