



\$~14

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

+ **CS(OS) 55/2023**

**MOTI LAL JAIN AND SONS**

.....Plaintiff

Through: Anuj Jain, Adv. (through VC).

versus

**SHRUTI SETH & ORS.**

.....Defendant

Through: Mr. Ashish Aggarwal, Mr. O.P.  
Faizi & Ms. Darshana Aggarwal,  
Advvs. for D-1 to 4 & 13

None for D-6.

Mr. Mudit Gupta & Mr. Lakshay  
Virmani, Advvs. for D-7 to 9.

None for D-14.

Mr. Piyush Gupta, Mr. Amit Garg  
& Deepanshu Gupta, Advocates  
for proposed D-15.

None for D-5 and 10 to 12 despite  
service through publication.

Right of D-14 to file WS was  
already closed vide order dated  
09.10.2023.

**CORAM:**

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER  
KUMAR GARG (DHJS)**

**ORDER**

**08.12.2023**

%

**I.A. No. 20638/2023 (by defendants no.1, 3, 4 & 13 u/O  
VIII Rule 1 r/w Section 151 of CPC seeking condonation  
of delay of 04 days in filing written statement)**

1. Today the captioned IA is listed for consideration.
2. Issue notice. Ld. Counsel for plaintiff accepts notice of the captioned IA and submits that he has no objection if the same is allowed subject to some reasonable cost.



3. Heard. For the reasons stated in the application and in view of the above submissions, delay in filing written statement on behalf of the defendants no.1, 3, 4 & 13 is condoned subject to cost of Rs.3,000/- to be paid to the plaintiff and their written statement be taken on record, if complete in other respects. Cost not paid, same be paid on or before next date of hearing.

4. The captioned IA stands disposed off accordingly.

**I.A. No. 10944/2023 (by plaintiff u/O VI Rule 17 r/w Section 151 of CPC for amendment of plaint) &**

**I.A. No. 10945/2023 (by plaintiff u/O XXXIX Rules 1 & 2 r/w Section 151 of CPC)**

5. Ld. Counsel for defendants no.1, 3, 4 & 13 has already submitted that he did not wish to file any reply to the captioned IAs and would like to argue straightaway.

6. Ld. Counsel for defendant no.2 already submitted that he did not wish to file any reply to IA No.10944/2023.

7. No reply to IA No.10943/2023 has been filed on behalf of defendant no.2.

8. No reply to the captioned IAs has been filed on behalf of the defendants no.6 to 9 and 14 despite last opportunity. Right of said defendants to file reply to the captioned IAs stands closed.

9. As per office noting, reply to the captioned IA filed by proposed defendant no.15 was returned under objection. Let appropriate steps be taken as per law.

10.Ld. Counsel for plaintiff submits that he has not received copy of reply on behalf of proposed defendant no.15. Let the same be supplied within one week.

11.As per office noting, affidavit of service with citations in 'Dainik Jagran' and 'The Statesman' were filed on behalf



of the plaintiff. In view of the same, defendants no.5, 10 and 12 have been served through publication.

12.No reply to the captioned IA has been filed on behalf of the defendants no.5, 10 and 12. Let reply to the captioned IAs be filed within three weeks as last opportunity and rejoinder thereto be filed within two weeks thereafter.

**I.A. No. 11726/2023 (by plaintiff u/O I Rule 10 CPC for impleading of Ms. Hasha Kanodi as defendant no.15)**

13.As per office noting, reply to the captioned IA filed by proposed defendant no.15 was returned under objection. Let appropriate steps be taken as per law.

14.Ld. Counsel for plaintiff submits that he has not received copy of reply on behalf of proposed defendant no.15. Let the same be supplied within one week.

15.No reply to the captioned IA was filed on behalf of the served defendants i.e. defendants no.1 to 4, 6 to 9, 13 and 14 despite last opportunity. Right of said defendants to file reply to the captioned IA stands closed.

16.The defendants no.5, 10 and 12 have been served through publication and citations for the same are on record.

17.No reply to the captioned IA has been filed on behalf of the defendants no.5, 10 and 12. Let the reply be filed by said defendants within four weeks as last opportunity and rejoinder thereto be filed within two weeks thereafter.

**CS(OS) 55/2023**

18.As per office noting, affidavit of service with citations in 'Dainik Jagran' and 'The Statesman' were filed on behalf of the plaintiff. In view of the same, defendants no.5, 10 and 12 have been served through publication.

19.Perusal of record further shows that written statement and affidavit of admission/denial of documents was already



- filed on behalf of defendant no.2.
- 20.Perusal of record also shows that joint written statement and separate affidavits of admission/denial of documents on behalf of defendants no.7 to 9.
- 21.Ld. Counsel for defendant no.2 submits that he had paid cost of Rs.3,000/- in terms of order dated 21.08.2023 to Ld. Counsel for plaintiff through PayTM on 17.10.2023.
- 22.Ld. Counsel for defendants no.7 to 9 submits that he had also paid cost of Rs.3,000/- in terms of order dated 21.08.2023 to Ld. Counsel for plaintiff through PayTM on 18<sup>th</sup> or 19<sup>th</sup> October, 2023.
- 23.Ld. Counsel for plaintiff submits that he will verify about receiving of costs and will clarify the same on next date of hearing.
- 24.No replication and affidavit of admission/denial has been filed by the plaintiff qua defendants no.2 and 7 to 9.
- 25.Ld. Counsels appearing for defendant no.2 and 7 to 9 submits that time for filing replication and affidavit of admission/denial by the plaintiff qua said defendants has already expired.
- 26.Written statement and affidavit of admission/denial of documents filed on behalf of the defendants no.1, 3, 4 & 13 be taken on record in terms of order passed today while disposing off IA No. 20638/2023. The plaintiff may file replication and affidavit of admission/denial qua said defendants within 30 days from today.
- 27.Written statement and affidavit of admission/denial filed by defendant no.6 vide diary no.1855165/2023 has not come on record till date. Let appropriate steps be taken as per law.



- 28.No written statement and affidavit of admission/denial has been filed on behalf of defendants no.5, 10 and 12.
- 29.The defendants no.5, 10 & 12 may file written statement and affidavit of admission/denial of documents as per law with advance copy to plaintiff, who may file replication alongwith affidavit of admission/denial of documents thereafter as per law.
- 30.Ld. Counsel for plaintiff submits that the defendant no.14 has not complied with directions given in para 15 of the IA. The defendant no.14 is directed to comply the said directions.
- 31.Perusal of office noting dated 22.11.2023 shows that original documents were filed in sealed cover vide diary no.2081427/2023 dated 18.11.2023 and the same were kept in safe custody at sr. no.4351.
- 32.Office noting dated 06.12.2023 further shows that the original documents filed vide diary no.2080841/2023 dated 18.11.2023 were returned under objection. Let appropriate steps be taken as per law.
- 33.Registry is directed to file report as to who have filed documents vide diary nos.2081427/2023 and 2080841/2023.
- 34.Ld. Counsel for defendant no.2 as well as Ld. Counsel for defendants no.7 to 9 have submitted that they have not been supplied with copy of original documents, which the defendant no.14 was required to file. Let the copy be supplied to them also by defendant no.14 before the next date of hearing.
- 35.Ld. Counsel for defendants no.1 to 4 & 13 submits that he needs some more time for clarification in respect of



site plan as referred in para no.7 of order dated 9.10.2023.  
He has submitted that he has been instructed today only to represent defendants no.1, 3, 4 & 13. Let the same be clarified on next date of hearing.

36.Let the pleadings be completed as per law.

37.Re-notify the matter for completion of pleadings and further proceedings on **15<sup>th</sup> January, 2024.**

**DEVENDER KUMAR GARG (DHJS)  
JOINT REGISTRAR (JUDICIAL)**

**DECEMBER 8, 2023/v**

*Click here to check corrigendum, if any*