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

+ **CS(OS) 185/2020**

VIBHUTI SHARMA Plaintiff

Through: Ms.Suruchi Aggarwal, Adv.

versus

ALOK BHARDWAJ & ORS.Defendants

Through: Mr. Rohit Gandhi, Adv. for D1.

Ms.Sonali Dhir, Adv. for D8.

Mr.Niraj B. Paonam, Adv. for D5&6

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. SURYA MALIK GROVER (DHJS)

ORDER

% **20.11.2020**

THROUGH VIDEO CONFERENCING

Learned counsel for defendant Nos.5 and 6 as well as counsel for defendant No.8 submit that they were duly served on 11.11.2020 through e-mail and seek four weeks' time to file written statement.

Learned counsel for plaintiff submits that aforesaid defendants were duly served with the copy of ex-parte interim order as well as plaint and documents in compliance of Order 39 Rule 3 CPC on 25.07.2020. As such, defendants were well-aware of the present proceedings, hence, time for filing written statement has expired long back.

In rebuttal, learned counsels for defendants 5&6 as well as defendant no.8 submit that though compliance of Order 39 Rule 3 CPC was duly done, as such summons of settlement of the suit were never served upon them any time prior to 11.11.2020. Ld. Counsel for defendant no.8 has further argued that even now, summons of the suit have been served upon one of the directors of the company and not upon the company i.e. defendant No.8.

All served defendants are directed to file their written statement along



with affidavit of admission/denial within the stipulated time period prescribed under law.

Learned counsel for plaintiff and counsel for defendant No.1 have made further submissions on the issue as to whether or not written statement has been filed within prescribed period of limitation.

Learned counsel for plaintiff submits that she has taken appropriate steps for service of all the defendants in terms of order dated 21.10.2020 and affidavit with regard to service has been filed vide diary No.1080116 dated 19.11.2020. The same appears to be under scrutiny as still not on record.

Learned counsel for plaintiff submits that she has filed certain additional documents vide diary No.1080896 on 19.11.2020. Learned counsel for defendant No.8 submits that he may be supplied the copy of additional documents. Ld. Counsel for plaintiff has objected that no fresh documents can be filed without permission of the Hon'ble Court.

IA no. 5901/20 under Order 39 Rule 1&2 CPC and IA no.

Ld. Counsel for defendant no.1 has submitted that his application under Order 39 Rule 4 CPC may be treated as his reply to application under Order 39 R1&2 CPC as moved by the plaintiff.

List the matter for completion of pleadings of served defendants and service of remaining defendants on 26.11.2020.

**SURYA MALIK GROVER (DHJS)
JOINT REGISTRAR (JUDICIAL)**

NOVEMBER 20, 2020
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