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

+ **FAO(OS) 293/2017**

RAMESH CHANDER SHARMA & ORS Appellant
Through Mr. H.G.R.Khattar, Advocate

versus

CHANDER SHARMA @ CHANDER PRAKASH SHARMA
..... Respondent
Through Mr. Devansh Malhotra, Advocate

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **23.01.2020**

CM APPL. 42215/2017 (delay)

1. For the reasons stated therein, the delay in filing the appeal is condoned and the application is disposed of.

CM APPL. 42248/2017 (additional documents)

2. For the reasons stated therein, the application is allowed. The additional documents are taken on record, without prejudice to the rights and contentions of the parties.

CM APPL. 52972/2019 (bringing LRs on record)

3. For the reasons stated therein, the application is allowed. The amended memo of parties is taken on record.

FAO (OS) No. 293/2017 & CM APPL. 42214/2017 (stay)

4. Counsel for the Appellants informs the Court that costs of Rs. 25,000/- has been paid to the Lok Nayak Hospital, New Delhi, in terms of the impugned order dated 11th September, 2017.

5. Subject to each of the Appellants herein paying the Respondent/Plaintiff Rs. 25,000/- i.e. a total of Rs.75,000/-, on or before 31st January, 2020, the impugned order dated 11th September, 2017 passed by the learned Single Judge dismissing OA No. 216/2016 and IA No. 13881/2016, as well as the order dated 7th April, 2016 of the Joint Registrar closing the right of the Appellants/Defendants to file their written statement is set aside.

6. It is made clear that if the Appellants/Defendants do not file their written statement on or before 28th February, 2020, no further time will be granted for that purpose.

7. It will be open to the Plaintiff to file a replication before the next date fixed in the suit i.e. 3rd March, 2020, or seek further time from the learned Single Judge for that purpose, which request will be dealt in accordance with law.

8. The appeal is disposed of in the above terms. The pending application is also disposed of.

S.MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 23, 2020

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