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

+ **FAO(OS) 245/2015**

RAKESH AGGARWAL

..... Appellant

Through : Mr R. L. Kohli with Ms Shikha Goyal

versus

ARUN KUMAR GUPTA

..... Respondent

Through : None

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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05.05.2015

CM 8157/2015

Allowed subject to all just exceptions.

FAO(OS) 245/2015

This appeal is directed against the order dated 06.04.2015 passed by the learned Single Judge in OA 174/2014 in CS(OS) 1974/2013. The said OA was directed against the order dated 23.08.2014 passed by the Joint Registrar, whereby the plea for taking on record the written statement, was rejected.

The learned Single Judge in the said appeal has considered the facts of the case, as set out in detail in paragraph 3. The learned Single Judge in his wisdom has considered the explanation given by the defendant to be sufficient cause for the delay in filing the written statement. Thereafter, the learned Single Judge allowed the written statement, which had already been filed, to be taken on record, subject to payment of costs of Rs 15,000/- to be paid by the defendant to the plaintiff. The learned counsel for the appellant states that the costs of Rs 15,000/- was offered by the respondent/ defendant to

the appellant/ plaintiff, but the same has been refused by the appellant as the appellant was contemplating the filing of the present appeal.

We have heard the learned counsel for the appellant. We see no reason to interfere with the discretion exercised by the learned Single Judge.

The appeal is dismissed.

BADAR DURREZ AHMED, J

MAY 05, 2015
SR

SANJEEV SACHDEVA, J