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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 129/2016
TANU MALIK

..... Petitioner

Through Mr.Bakul Jain, Adv.

versus

M/S CRESCORE WEALTH MANAGEMENT SERVICES PVT
LTD

..... Respondent

Through Nemo.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **08.02.2016**

C.M. No.46010/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

CM(M) 129/2016 & C.M. No.4610/2016 (stay)

Defendant was served for 05.7.2014 in the present suit. He did not file his written statement in time. His defence was struck off. His application under Order IX Rule 7 CPC had been allowed. He had been granted time to file written statement within 30 days from 30.9.2015 subject to cost of Rs.6000/-. He did not comply with the directions. The only explanation furnished before this Court is that the office of the counsel for the defendant had shifted on 09.11.2015 and that is why he could not file the written statement. The period of limitation of 30 days for filing written statement was expired on

30.10.2015. Obviously this explanation is wholly unjustifiable.

Be that as it may since a valuable right would be lost to the petitioner/defendant in case he is not permitted to plead his defence, subject to additional payment of Rs.12000/- as costs (in addition to Rs.6000/-) written statement now be filed within three days with advance copy to the learned counsel for the plaintiff. No further opportunity shall be granted to the petitioner/defendant to place his written statement on record.

Petition disposed of in the above terms.

INDERMEET KAUR, J

FEBRUARY 08, 2016

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