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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 99/2016 & C.M. Nos.3372/2016 & 9849/2016
HINDUSTAN CONSTRUCTION CO LIMITED

..... Petitioner

Through Mr. Arnav Kumar, Adv.

versus

M/S BHATIA AUTO SALES

..... Respondent

Through Mr. Sanjay Luthra and Mr. Sachin
Luthra, Advs.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **18.04.2016**

The petitioner is aggrieved by the orders dated 19.11.2015 & 11.12.2015 vide which his right to file written statement stood closed and the defence of the defendant was struck off. It is stated that the matter is now listed for the evidence of the plaintiff.

Record shows that the suit has been filed by the non-applicant/plaintiff for recovery of Rs.17,14,384/- along with interest. The petitioner/defendant was admittedly served for 14.08.2015. The statutory period of 30 days for filing written statement expired on 14.09.2015. Even the extended time of 90 days stood expired on 14.11.2015. Written statement was not filed. Contention of the petitioner/defendant is that the written statement could not be prepared in time because the whole case of the plaintiff is premised on a transaction which had taken place in the state of Jammu and Kashmir and because of the flood situation in Jammu and Kashmir

during the aforementioned period, written statement could not be filed in time.

In view of the above submissions of the learned counsel for the petitioner, subject to payment of costs of Rs.20,000/- permission is granted to the defendant/petitioner to file written statement. Written statement now be filed within 10 days with advance copy to the learned counsel for the respondent who may file his rejoinder before the next date. The petitioner is also granted liberty to file a fresh affidavit (PW-1 already filed his affidavit by way of evidence) to supplement the affidavit already filed in case certain new averments are brought on record in terms of the written statement to be filed by the petitioner/defendant.

Petition disposed of.

INDERMEET KAUR, J

APRIL 18, 2016

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