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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 184/2016 & C.M. Nos.6724-25/2016
PRERNA JAIN

..... Petitioner

Through Mr. Sanjeev Sagar, Advocate and Ms.
Aastha Lumba, Advocates

versus

RAMA PANDEY

..... Respondent

Through None

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **04.03.2016**

The order impugned before this Court is the order dated 26.10.2015 vide which the right to file written statement of the petitioner is dismissed.

Record shows that this is a suit for damages which has been filed by the plaintiff against the defendant. Summons were served upon the defendant for 28.05.2015. Written statement was to be filed by 15.07.2015 (after expiry of 30 days). On 04.09.2015 counsel for the defendant had appeared before the Trial Court and on that date it had been recorded that defendant was seeking time to place on record written statement along with appropriate application seeking condonation of delay. Submission of learned counsel for the petitioner is that written statement was ready on that date but Court had advised him to file the same along with the application seeking condonation

of delay of 65 days. The impugned order dated 26.10.2015 was challenged to the effect that counsel for the defendant / petitioner was suffering from dengue and was not able to file written statement for the said reason.

Record substantiates this averment of the counsel for the petitioner as it shows that the affidavit of written statement had been attested on 04.09.2015. Valuable right of the petitioner would be lost in case petitioner is not allowed to file written statement on record.

Impugned order dated 26.10.2015 is set aside. Written statement which is part of the Trial Court is taken on record. This order is passed subject to payment of Rs. 10,000/- as cost.

Petition disposed of.

INDERMEET KAUR, J

MARCH 04, 2016

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