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

+ **FAO(OS) 85/2016**

M/S DIVINE SOURCING & ORS

..... Appellants

Through : Mr Subhash Chawla

versus

SANJAY ANAND & ORS

..... Respondents

Through : None

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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18.03.2016

CM 9633/2016

Allowed subject to all just exceptions.

CM 9634-9635/2016

The delay in filing and re-filing the appeal is condoned.

These applications stand disposed of.

FAO(OS) 85/2016

This appeal has been filed against the order dated 11.12.2015 passed by a learned Single Judge of this Court in OA 200/2015, whereby the learned Single Judge allowed the said chamber appeal and set aside the order dated 20.03.2016 passed by the Joint Registrar, whereby the right of the plaintiff had been closed to file the written statement to the counter-claim of the defendants/ appellants herein. The learned Single Judge, after considering the facts and circumstances of the case, was satisfied that there was proper explanation for the delay in the preparation of the written statement to the counter-claim. Having exercised this discretion, we are not inclined to interfere with the same particularly because the delay in the preparation of the written statement to the counter-

claim did not stall the progress in the suit. This is so because the defendant No.6 had not been served with the summons in the suit.

Consequently, we do not interfere with the impugned order. The appeal is dismissed.

BADAR DURREZ AHMED, J

MARCH 18, 2016
SR

SANJEEV SACHDEVA, J