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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 1032/2014, IA 20932/2015 & OA 387/2015

M/S LIFELONG MEDITECH LIMITED

..... Plaintiff

Through: Mr. Amit Baisoya, Adv.

versus

SAVITRI SALES

..... Defendant

Through: Mr. Praveen Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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21.01.2016

OA 387/2015

This appeal has been filed by the defendant under Rule 4 of Chapter II of the Delhi High Court (Original Side) Rules read with Section 7 of the Delhi High Court Act read with Rule 18 of the Chapter I of the Delhi High Court (Original Side) Rules against the order dated April 30, 2015.

The averments made in the appeal are as under:

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iv) *That the defendant since is situated outside the jurisdiction of this Hon'ble Court and was hopeful that the settlement would happen, could not file the written statement within the time stipulated by the Hon'ble Court, however the same was filed on the day the matter was listed in court before the Ld.Joint Registrar i.e. was listed in court before the Ld.Joint Registrar i.e. 30.04.2015. The written statement*

was filed on 30.04.2015 vide diary no. 222443.

v) That the counsel for the defendant could not appear before the Ld.Joint Registrar on 30.04.2015 when the matter was called out as his two connected cases entitled as Panna Mangat Vs. Dr. Sukhpreet Mangat bearing CS (OS) No. 455 of 2013 and 533 of 2013 in Court no. 22 had reached and was on. However by the time the counsel for the defendant reached the court of Ld.Registrar he was apprised that the matter is over and defendant right to file written statement has been closed. The next date was fixed for 13.08.2015. A true copy of order dated 30.04.2015 passed in Panna Mangat Vs. Dr. Sukhpreet Mangat bearing CS (OS) No. 455 of 2013 and 533 of 2013 is annexed herewith and marked as Annexure-A/2.

vi) That since the written statement was already filed and cost paid the counsel for the defendant was sanguinely hopeful that the written statement would be taken on record. However on 13.08.2015 this Hon'ble Court was of the view that the written statement would not be taken on record unless order dated 30.04.2015 closing the right to file written statement is not set aside".

Noting the averments made in the appeal, the original appeal is allowed, subject to deposit of cost of Rs. 10,000/- with Delhi High Court Legal Services Committee within a period of four weeks from today.

OA stands disposed of.

CS(OS) 1032/2014

The plaintiff has filed the suit for recovery. The valuation of the suit is Rs. 54,77,169/-.

In view of Notification No. 27187/DHC/Org1. dated 24th November, 2015 & in exercise of power conferred by Section 4 of the Delhi High Court (Amendment) Act, 2015, (Act 23 of 2015), which came into force with effect from 26th October, 2015 vide Notification No. F.No.L-19015/04/2012-Jus dated 26th October, 2015 issued by the Government of India, Ministry of Law, Justice & Company Affairs published in Gazette of India Extraordinary, Part II, Section 3 Sub-Section (ii), the present matter is liable to be transferred to the learned District & Sessions Judge, South District, Saket Courts, Delhi. Accordingly, the parties to appear before the learned District & Sessions Judge, South District, Saket Courts, Delhi on March 21, 2016.

V. KAMESWAR RAO, J

JANUARY 21, 2016/akb