

\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.R.P. 56/2016
M/S LARSEN & TURBO LTD

..... Petitioner

Through Mr.Azmat H.Amanullah, Adv.

versus

PRADEEP KUMAR JAIN & ORS

..... Respondents

Through Nemo.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **25.04.2016**

C.M. No.14519/2016 (exemption)

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

C.R.P. 56/2016 & C.M. No.14518/2016 & C.M. No.14520/2016

Petitioner is aggrieved by the order dated 10.12.2015 vide which his application filed by him under Order VII Rule 11 of the CPC had been dismissed. Petitioner is not aggrieved by this finding. He is, however, aggrieved by the fact that his right to file written statement also stood closed.

Defendant no.2 was served was served on 29.3.2014. There appeared to be some irregularities in the service. The documents were supplied to the defendant on 05.9.2014 and he was directed to file written statement; on that date the vakalatnama had been filed on behalf of defendant no.2. In between the aforementioned application was

filed, pursuant to which the impugned order had been passed. Although the period of 30 days as also the extended period of 90 day had since long expired but noting the factual matrix of the instance case and the reasons for which the delay had occurred as also the fact that a valuable right would be lost to the defendant no.2 in case he is not allowed to plead his defence, subject to payment of Rs.15000/- as costs, written statement is now permitted to be filed by defendant no.2 which shall be filed within a period of two weeks from today with an advance copy to the non-applicant/plaintiff.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

APRIL 25, 2016

ndn