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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CM(M) 329/2016 & C.M. No.12958/2016**  
**INDERJEET SINGH**

..... Petitioner

Through Mr. Amit Sharma, Adv.

versus

**AMANDEEP SINGH**

..... Respondent

Through None.

**CORAM:**  
**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

% **06.04.2016**

The petitioner is aggrieved by the impugned order dated 08.02.2016 vide which his defence has been struck off and his right to file written statement stood closed.

Present suit is a suit for recovery of money. Admittedly the defendant had been served on 22.05.2015. A perusal of the order-sheets thereafter shows that although the written statement was directed to be filed by the defendant but on 09.09.2015, the defendant had requested for clearer copies of the documents which were agreed to be supplied by the plaintiff to the defendant and last opportunity had been granted for compliance of the earlier order; the defendant was also directed to appear in person on the next date. Matter was listed for completion of pleadings on 17.11.2015. On 17.11.2015, the Presiding Officer was on leave. The impugned order was passed on 08.02.2016. Learned counsel for the petitioner submits that a valuable right would be lost to the plaintiff in case he is not permitted to lead

his defence; admittedly he has not filed his written statement till 09.09.2015 and that was for the reason that the legible copies of the documents had not been supplied to him. On 17.11.2015, the Trial Judge was on leave and thereafter he engaged a new counsel as the earlier counsel had been disengaged. Learned counsel for the petitioner submits that the earlier costs which had been imposed upon him of Rs.2,000/- has since been paid.

In the interest of justice, one last opportunity is granted to the defendant to file his written statement which shall be filed within a period of 10 days from with advance copy to the plaintiff who may file replication before the next date i.e. the date already fixed before the Trial Court i.e. 27.04.2016. This order is passed subject to payment of costs of Rs.10,000/-.

Petition disposed of.

Order dasti under signatures of the Court Master.

**INDERMEET KAUR, J**

**APRIL 06, 2016**

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