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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 369/2016**
VINOD KUMAR

..... Petitioner

Through Mr.Jai Ram Garg, Adv.

versus

INDU BATTA

..... Respondent

Through Nemo.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **25.04.2016**

C.M. No.14513/2016 (exemption)

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

CM(M) 369/2016

Petitioner is defendant no.5 in the Trial Court. His right to file written statement stood closed by the impugned order. He is aggrieved by that finding.

Record shows that the present suit is a suit for permanent injunction and recovery of damages/compensation. Record further shows that the petitioner (defendant no.5 in the Trial Court) was served on 04.12.2015. he was required to file his written statement within the stipulated period of 30 days which stood expired on or before 03.01.2016. Written statement was filed only on 18.02.2016.

The reasons for the delay as is noted in the impugned order were to the effect that the summons were received by the defendant no.5 but he did not know about the strict stipulation to file written statement within 30 days. The Presiding Officer was not holding the Court on the following day and because of non-effective communication between the petitioner and his counsel, the written statement thus could not be prepared and filed within the stipulated period. Further submission being that the written statement filed by the petitioner on 18.02.2016 would be within the extended period of 90 days.

Noting the above factual matrix as also the nature of the litigation as also the fact a valuable right would be lost to the defendant no.5 in case he is not permitted to plead his defence, the written statement filed by the defendant no.5 on 18.02.2016 is taken on record. This order is passed subject to payment of Rs.10,000/- as costs.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

APRIL 25, 2016

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