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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 379/2016 & CM Nos. 14593-14595/2016**
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH & ORS

..... Petitioner

Through: Ms Ekta Sikri & Ms Neha Bhatnagar,
Advs. with Mr Pawan Kumar Mishra, Law
Officer.

versus

M/S SAFDARJUNG SERVICE STATION & ANR

..... Respondent

Through: Ms Anubha Bhardwaj, Adv. for R-2/
UOI.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

25.04.2016

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The petitioners are aggrieved by the two orders i.e. order dated 04.08.2015 and the subsequent order dated 05.02.2016. Vide the first order right of the petitioners (defendant no. 2, 3 & 4 in the trial court) to file written statement stood closed and an application seeking recall of the aforementioned order had been filed; that application was dismissed by the second impugned order. The contention of the petitioner (defendant no.2, 3 & 4) is that a valuable right of the petitioners would be lost in case they are not permitted to lead their evidence.

The record shows that the present suit is a suit for recovery of Rs. 2,66,858/-. The petitioners before the court are the officers of the Council of Scientific and Industries Research (CSIR). The service was effected on the

defendants on 26.05.2015. The stipulated period of 30 days had expired, but written statement was not filed within the aforementioned period. Submission is that on the first date i.e. on 04.08.2015, the period of 90 days had not expired and the difficulty of the petitioners was explained, which was not considered by the trial court. The written statement was prepared and filed in the court on 04.02.2016, although an application seeking recall of the order dated 04.08.2015 had been filed on 10.11.2015. The further submission in this application is that the written statement could not be prepared within the time period for the reason that the officers of the organisation could not have effective communication with their counsel; there were various channels and approvals at various stages had to be obtained before the documents filed along with the written statement could be prepared. This had led to the delay. Submission again being reiterated that in case the impugned order is not set aside, the valuable right of the petitioners would be effected.

Noting the above factual matrix, the impugned orders are set aside. The written statement filed before the trial court, on 04.02.2016, is taken on record. This order is passed subject to payment of Rs. 20,000/- as costs.

The petition and the applications are disposed of.

Dasti under the signatures of the Court Master.

INDERMEET KAUR, J

APRIL 25, 2016

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