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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 455/2016**
SANJEEV MALHOTRA & ANR.

..... Petitioners

Through Mr.Suresh Sharma, Advocate.

versus

KRISHNA GUPTA

..... Respondent

Through Nemo.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

O R D E R

% **10.05.2016**

C.M.No.17628/2016 (exemption)

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

CM(M) 455/2016 & C.M. No.17627/2016 (stay)

Petitioner is aggrieved by the order dated 15.3.2016 vide which his right to file written statement stood closed.

Record shows that the present suit is a suit for possession, mesne profits and permanent injunction. Petitioner (defendant in the Trial Court) was served on 22.01.2016. On 15.3.2016 the impugned order was passed. The Court had noted that 30 days period had expired and written statement was not filed. Learned counsel for the petitioner submits that this order was passed early in the morning. He could not apprise the Court of the fact that the defendant no.1 had in fact expired on 09.3.2016. Submission being reiterated that sons of

defendant no.1 had in fact could not put their appearance before the Court. Impugned order is set aside. Petitioner is granted liberty to make appropriate submission/move an appropriate application in this regard before the Trial Court within an outer limit of one week from today.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

MAY 10, 2016
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