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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.R.P. 68/2016**
SUNAYANA

..... Petitioner

Through Mr.Ayush Negi, Advocate.

versus

JASBIR SINGH & ORS

..... Respondents

Through None.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **09.05.2016**

C.M. No.17246/2016 (exemption)

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

C.R.P. 68/2016 & C.M. No.17245/2016 (stay)

Petitioner is aggrieved by the order dated 08.3.2016 vide which the application filed by her (defendant no.4 in the Trial Court) seeking recall of an order dated 23.9.2011 vide which her right to file written statement stood closed was dismissed and rightly so.

The present application has been filed before the Trial Court on 29.01.2015 i.e. after an inordinate delay of more than 3 ½ years. The averments contained in the aforementioned application have been perused. The application runs into 1 ½ pages and merely states that the defendant had engaged one advocate namely Amit Grover. She was a home maker and did know much about the legal proceedings. She

has sighed whatever papers come to her way. She was not informed of the court proceedings. It was only when a new counsel was engaged that she learnt about the adverse order which was passed against her on 23.9.2011. This is all that is contained in the body of the application.

The Trial Court had rightly considered the submissions and noted that this is unjustifiable and inordinate delay for not reason whatsoever having come forward. The averments made in the application clearly make out no case for a recall of the order dated 23.9.2011.

This Court has been informed that the suit pending in the Trial Court is a suit for partition inter se the family of the parties. The applicant before the Court was defendant no.4. She was an outsider. She was not a part of the family.

Be that as it may, this Court is of the view that the impugned order in this background declining recall of the order which had been passed more than 3½ years ago deserved no sympathy. The delay in filing the application seeking setting aside of this order in no manner can be referred to be justifiable to make out a case for allowing the petitioner to file his written statement so belatedly. The conduct of the petitioner is not only lackadaisical but borders on negligence. Law of limitation cannot be ignored. Petition is dismissed with costs of Rs.10,000/-.

INDERMEET KAUR, J

MAY 09, 2016

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