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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 783/2016

NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through Ms. Mini Pushkarna, Standing
Counsel for NDMC with Ms. Anushruti, Ms.
Namrata Mukim and Ms. Vasundhara Nayyar,
Advocates.

versus

INDU BATTA & ANR Respondents
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

% **ORDER**
16.08.2016

CM No. 29555/2016 (exemption)

Exemption is allowed subject to just exceptions.

CM(M) 783/2016 and CM No. 29554/2016 (stay)

By the present petition, the petitioner seeks to impugn the order dated 17.03.2016 by which the application filed by the petitioner to recall the earlier order dated 11.02.2016 and to place the written statement on record was dismissed.

On 11.02.2016, the trial court had noted that defendants No. 1 to 4/petitioners have not filed the written statement and closed the right of the petitioners to file the written statement.

A perusal of the record reveals that the written statement is filed after

70 days of the date of the service of summons on the petitioners.

Hence, it is within the period of 90 days. Despite that the trial court has closed the right of the petitioners to file the written statement.

Learned counsel appearing for the petitioners also seeks to rely upon an order passed by this court in CM (M) 369/2016 dated 25.04.2016 whereby the other defendant in the suit whose right to file the written statement was closed by the order which is impugned in the present petition was allowed to file the written statement subject to payment of costs of Rs.10,000/-.

Advance copy of the petition has been sent to the counsel for the respondents. Despite service, none is present for the respondents.

Keeping in view the earlier order passed by this court in CM(M) 369/2016 dated 25.04.2016, the present petition is allowed. The written statement filed by the petitioners before the trial court be taken on record subject to payment of costs of Rs.10,000/-.

With these observations, the present petition is disposed off.

JAYANT NATH, J

AUGUST 16, 2016

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