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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CM(M) 432/2015 & C.M. No.8720/2015  
SUSHIL NARULA

..... Petitioner

Through Mr. R.V. Naik and Mr. S.K. Tandon,  
Adv.

versus

RAKESH ARORA

..... Respondent

Through Mr. Kartik Khanna, Adv.

**CORAM:**

**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

% **17.02.2016**

Orders impugned before this Court are the orders dated 15.07.2014, 25.08.2014 and 07.04.2015 passed in a pending suit which had been filed by the plaintiff seeking recovery of money from the defendant/petitioner.

Record shows that the defendant/petitioner had been served before the Trial Court on 23.03.2014; power of attorney had been filed on his behalf on 05.04.2014. Written statement was not filed within the stipulated period of 30 days. It was not filed even after 90 days. An application under Order 8 Rule 1 of the CPC filed by the plaintiff seeking permission of the Court to strike off the defence of the defendant was filed on which an order was passed on 15.07.2014 as written statement had not been filed till that point of time. On 25.08.2014, an application had been filed by the defendant seeking permission of the Court to place his written statement on record;

submission being that although the earlier counsel had appeared and he was aware of the proceedings but he did not take up the matter diligently and in fact a complaint to the said effect was also made before Bar Council of Delhi. The defendant should not suffer for the acts of his counsel. It is accordingly prayed that the written statement now be permitted to be taken on record and the subsequent proceedings by virtue of which the plaintiff had been permitted to lead his ex-parte evidence also be set aside.

Needless to state that this prayer has been opposed. Learned counsel for the respondent submits that the suit of the year 2014 and there has been no progress in the case only because of delaying tactics on the part of the defendant.

Be that as it may, noting the fact that this is a suit for recovery and a valuable right would be lost in case the defendant is not allowed to plead his defence; written statement had been filed by the defendant along with the application (dated 25.08.2014) is taken on record. Replication, if any, be filed within two weeks. The Trial Court shall frame issues and the parties are permitted to lead their respective evidence.

Impugned orders are to that extent accordingly set aside. This order is passed subject to payment of costs of Rs.30,000/-.

Petition disposed of.

**INDERMEET KAUR, J**

**FEBRUARY 17, 2016**

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