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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 3681/2014, IAs 23921/2014, 11030/2015, 11187-11188/2015
& OA 218/2015

ICICI HOME FINANCE CO LTD Plaintiff
Through: Mr. M.C.Dhingra, Adv.

versus

SATWINDER KAUR GRILL Defendant
Through: Mr.Piyush Malhotra, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **25.02.2016**
IA 11187/2015

Allowed, subject to all just exceptions.

Application is disposed of.

IA 11188/2015(u/S 5 of the Limitation Act)

This is an application seeking condonantion of 15 days delay in
filing the appeal.

For the reasons stated in the application, the delay of 15 days in
filing the appeal is condoned.

The application is disposed of.

OA no.218/2015

This is a chamber appeal filed by the defendant against the

order dated April 15, 2015. The averments made in the appeal are as under:-

7. That although the jurisdiction of the civil court is barred under Section 34 of the SARFASI Act, yet the respondent (plaintiff preferred CS(OS) No.3681/2014 before this Hon'ble Court for the same relief.

8. That the notice in the above said suit was served upon the appellant (defendant) on or about 13.12.2014 and the suit was listed before the Hon'ble Court on 29.1.2014 and six weeks time was granted to the appellant to file written statement and the suit was directed to be placed before the Joint Registrar on 14.4.2015.

9. That regretfully the record of the suit got misplaced and was not traceable for long time as it was inadvertently shifted from Chamber to the office tagged with record of disposed of cases of another counsel who is using the same chamber with the present counsel, as detailed in the application for condonation of delay, and not repeated herein for the sake of brevity.

10. That as such the written statement could not be filed within the time granted by this Hon'ble Court wherefore on 14.4.2015/15.4.2015 the Ltd. Joint Registrar was pleased to close the right of the appellant (defendant) to file written statement and right of admission/denial of documents was also closed, true copy whereof is Annexure-A.

11. That the extensive search at Chamber and Office yielded the record whereafter only the counsel for the appellant prepared the Written Statement under the instructions of the defendant, appellant herein.

Noting the averments and the fact that the learned counsel for the plaintiff does not oppose the appeal being allowed subject to such conditions the court may impose, I allow the appeal, subject to

payment of costs of Rs.10,000/- to the plaintiff, within two weeks, the written statement filed by the defendant shall be taken on record.

I note that this is a suit for recovery, and is valued at Rs.79,18,899.08/-

In view of Notification No. 27187/DHC/Orgl. dated 24th November, 2015 & in exercise of power conferred by Section 4 of the Delhi High Court (Amendment) Act, 2015, (Act 23 of 2015), which came into force with effect from 26th October, 2015 vide Notification No. F.No.L-19015/04/2012-Jus dated 26th October, 2015 issued by the Government of India, Ministry of Law, Justice & Company Affairs published in Gazette of India Extraordinary, Part II, Section 3 Sub-Section (ii), the present matter is liable to be transferred to the learned District & Sessions Judge, East District, Karkardooma, Delhi. Accordingly, the parties to appear before the learned District & Sessions Judge, East District, Karkardooma, Delhi on April 4, 2016.

V. KAMESWAR RAO, J

FEBRUARY 25, 2016
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