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

+ **FAO(OS) 274/2016 & CM No.34972/2016**

RAVINDER SINGH @ RAVINDER PAL SINGH BAWA ... Appellant
Through: Mr Navin Sharma with Mr Atul Agarwal, Advs.

Versus

SARWAJEET SINGH WALIA & ORS ... Respondents
Through: Mr S.S. Oberoi, Advocate

CORAM:
HON'BLE MR JUSTICE BADAR DURREZ AHMED
HON'BLE MR JUSTICE JAYANT NATH

ORDER
% **29.11.2016**

We have heard the learned counsel for the parties. The present appeal is preferred against the order dated 28.07.2016, whereby the learned single Judge had rejected the application under Section 10 of the Code of Civil Procedure, 1908 which had been filed by the appellant. We are not inclined to interfere with the order passed on that application.

Another grievance has been raised by the learned counsel for the appellant with regard to the impugned order and that pertains to the fact that the appellant / defendant has not been permitted to file the written statement on account of the delay beyond the prescribed period under Order VIII Rule 1, CPC. The learned counsel for the appellant points out that the delay was purely because he was awaiting a decision on the Section 10 application which he had filed.

We have heard the learned counsel for the parties on this aspect also and after hearing, we are of the view that the written statement could be taken on record but, subject, of course, to the appellant / defendant paying costs of Rs 20,000/- to the respondent / plaintiff. The said costs be paid within two weeks. Subject to the costs being paid, the written statement shall be taken on record. The written statement shall be filed within a week. The appeal stands disposed of accordingly.

BADAR DURREZ AHMED, J

JAYANT NATH, J

NOVEMBER 29, 2016

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