

4
\$~A-46

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

+ C.R.P. 180/2016 and CM Nos. 41323-24/2016

ATIT JAIN & ANR Petitioners

Through Mr. Prasouk Jain, Advocate,

versus

M/S RAJSHREE JEWELS & ORS Respondents

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

14.12.2016

%

This matter is taken up today as 12.12.2016 was declared a holiday on account of 'Milad-Un-Nabi.

By the present petition filed under Section 115 CPC, the petitioners seek to impugn the order dated 30.07.2016. The reason of the petitioners is that he has filed the suit under Order 37 CPC and that the respondents entered appearance much after the stipulated period of 10 days. He submits that despite the delay, the trial court has ignored the same and permitted the respondents to enter appearance in violation of provisions of Order 37 CPC.

A perusal of the impugned order shows that the trial court has noted that the summons were served in the first week of April 2016 and some applications were filed on 18.04.2016 by the respondents. The applications were treated as having entered appearance.

In my opinion, the delay is minimal. It would not be proper for this

5
court to interfere in the discretion exercised by the trial court as no grave injustice has been caused to the petitioners.

The present petition is accordingly dismissed.

All pending application also stands dismissed.

Wale

JAYANT NATH, J

DECEMBER 14, 2016

rb