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

+ CM(M) 1074/2016

FAZLOO REHMAN Petitioner

Through Mohd.Tasleem, Advocate

versus

CHAMAN LAL Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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24.10.2016

CM No. 39292-93/2016 (*exemptions*)

Allowed subject to all just exceptions.

CM(M) 1074/2016 & CM No. 39291/2016 (*stay*)

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 20.09.2016 by which an application filed under Section 151 CPC seeking permission to take on record the written statement and setting aside/recalling of order dated 25.07.2016 was dismissed.
2. The respondent has filed the present suit for recovery of Rs.5,88,000/-. The petitioner was served on 04.02.2016. As the petitioner did not file written statement on 25.07.2016, the right of the petitioner to file written statement was closed.
3. It is thereafter, that the petitioner has filed present application where

the only ground stated for the delay in filing the written statement is that the petitioner is not aware of the legal provision and that counsel did not prepare the written statement in time. It was averred that the delay in filing the written statement to be condoned.

4. Advance copy of the petition has been sent to the respondent but none has appeared.

5. It is the plea of the petitioner that the petitioner being a layman is not aware of the law and hence, the written statement could not be filed within 30 days. It is also averred that the previous counsel did not prepare the written statement within time. In case, the petitioner is not permitted to place on record the written statement already filed, it will cause irreparable loss and injury to the petitioner.

6. In view of the above and in the interest of justice, the petitioner is permitted to place the written statement already filed on record and the same should be taken on record subject to payment of cost of Rs.7,500/-.

7. The petition stands disposed of.

JAYANT NATH, J.

OCTOBER 24, 2016/v