

\$~A-43

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

+ CM(M) 1254/2016

PARVESH MATTA & ANR

..... Petitioner

Through Mr.Sunil Malhotra and Mr.Amit
Sanduja, Advocates

versus

M/S MANGLANI INVESTMENTS PVT LTD & ORS.... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

05.12.2016

CM No.44984/2016 (Exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 1254/2016 & CM No.44983/2016

1. An advance copy of the petition has been sent by speed post to the respondents. None is present on their behalf.
2. By the present petition under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 23.11.2016 by which an application under Section 151 CPC filed on behalf of the petitioner to file rejoinder was dismissed.
3. It is the contention of the petitioner that the matter was listed on 24.10.2016 when counsel noted the next date as 19.11.2016. On that date the respondents filed their reply to the application for leave to defend. On 19.11.2016 when the counsel reached the court he was informed by the court staff that the date was actually 9.11.2016 and not 19.11.2016. Hence, the present application was filed to permit filing of the rejoinder. The rejoinder has been filed alongwith the application. The application of the petitioner is

supported by an affidavit.

4. Learned counsel appearing for the petitioner submits that he seeks to only place the rejoinder on record and has already made his submissions and would not take any adjournment on that ground.

5. Keeping in view the averments made, there can be no reason to conclude that the averments are not bona fide. Accordingly, the petition is allowed and the rejoinder already filed may be taken on record.

6. Petition stands disposed of. All the pending applications also stand disposed of.

7. A copy of this order be given dasti under signatures of the Court Master to learned counsel for the petitioner.

JAYANT NATH, J

DECEMBER 05, 2016

n