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

+ CM(M) 1285/2016

PUSHPA

..... Petitioner

Through Mr.(name not given), Adv. with
petitioner in person

versus

VIJETA SHARMA & ORS

..... Respondent

Through Mr.Pranay Trivedi,Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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16.12.2016

1. By the present petition the petitioner seeks to impugn the order dated 7.11.2016 of the trial court by which order the trial court dismissed three applications (i) seeking modification of order dated 18.5.2016, (ii) recall of order dated 14.9.2016 and (iii) an application under Order 47 Rule 1 read with section 151 CPC alongwith the application under section 5 of the Limitation Act.
2. The respondent has filed a suit for recovery. On 18.5.2016 a consent order was passed whereby the petitioner stated that she was willing to pay rent of Rs.1500/- per month plus water and electricity charges for the period June 2014 to May 2016. She had to pay in all a sum of Rs.48,000/- for this period. No amount is said to have been paid. On 2.7.2016 the trial court closed the right of the petitioner to cross-examine PW-1 and PW-2. On 14.9.2016 the trial court passed an order under Order 15A CPC and struck off the defence of the petitioner.
3. Even today, it is stated that no part of the said sum of Rs.48,000/- has

been paid. Some rent has been paid for the months of June to October 2016.

4. Learned counsel appearing for the petitioner has made only one submission. He submits that the petitioner is economically weak and if some time is given she would be willing to make the payment.

5. I am not convinced of the bonafide of the said request. If the petitioner was acting with bona fide she could have made substantial payment till now i.e. as a period of six months has lapsed. Even otherwise, I am told that on 5.12.2016 the court has heard arguments of the parties. Written submissions have also been placed on record. The matter is to come up for judgment on 20.12.2016.

6. There is no reason to interfere in the impugned order. The petition is accordingly dismissed. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

DECEMBER 16, 2016

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