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

+ CS(OS) 2000/2015

BAWA JEWELLERS PVT LTD Plaintiff

Through: Mr. Sumit K. Batra & Mr. Shrey
Chathly, Advocates.

versus

JASBIR KAUR ARORA Defendant

Through: Mr. Bhaskar Das & Mr. Chirag M.
Shroff, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

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16.02.2016

I.A. No. 26047/2015 and O.A. No.496/2015

1. The application being I.A. No. 26047/2015 has been filed to seek condonation of delay in filing the Chamber Appeal being O.A. No.496/2015. The delay is about 45 days.
2. For the reasons stated in the said application, the delay is condoned and the application stands disposed of.
3. The Chamber Appeal being O.A. No.496/2015 is directed against the order dated 16.10.2015, whereby the right of the defendant to file the written statement was closed. On that date, the defendant did not appear before the Joint Registrar. The defendant was served through the summons in the suit in the first week of August 2015, as admitted by her. Computed from that date, the period of thirty days is already over by 16.10.2015. However, the

further period of ninety days was still not complete.

4. Learned counsel for the defendant submits that immediately after passing of the order dated 16.10.2015, the defendant prepared an application to seek recall of the order dated 16.10.2015 and to seek condonation of delay in filing the written statement. However, the same was not filed, as it was advised that such an application was not maintainable. The defendant has not placed on record a copy of that application. Even today, the written statement is not ready and learned counsel for the defendant states that the same has not been prepared and kept ready as the right to file the same as on date stands closed.

5. In these circumstances, though the defendant seems to have acted with callousness, keeping in view the fact that an application for impleadment has been filed under Order I Rule 10 CPC by a person, who claims to be a subsequent purchaser of the property, and in the event of the impleadment of the said party, the suit would once again be relegated to the initial stage of filing of pleadings, the appeal is allowed. The defendant is granted one last opportunity to file the written statement within two weeks, subject to payment of Costs of Rs.25,000/- to the plaintiff. The costs be paid within two weeks.

6. The appeal stands disposed of.

CS(OS) 2000/2015 and I.A. Nos.13837/2015 & 22420/2015

7. In view of the notification No.2718/DHC/Orgl. dated 25.11.2015, issued under Section 4 of the Delhi High Court (Amendment) Act, 2015

(Act 23 of 2015), at the request of the counsels for the parties, the present suit is transferred to the Court of the District Judge (West), Tis Hazari Courts, Delhi for further proceedings before the competent court on 02.05.2016.

8. It is made clear that as both sides are duly represented today, no fresh notice for appearance shall be issued and the parties shall ensure their presence before the concerned Court on the aforesaid date.

VIPIN SANGHI, J

FEBRUARY 16, 2016

B.S. Rohella