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

+ **FAO(OS) 443/2015**

MEWA SINGH

..... Appellant

Represented by: Mr.Mahir Malhotra, Adv. with
appellant in person.

versus

BRAHMA CITY PVT LTD

..... Respondent

Represented by: Mr.Sanjay K.Shandilya, Adv.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **26.02.2016**

CM 6753/2016 (restoration)

1. Learned counsel for the respondent who appears on advance copy states that the application may be allowed and the appeal may be restored for hearing after setting aside the order dated February 04, 2016.
2. Ordered accordingly. The application is allowed.

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1. The grievance of the appellant is to the written statement filed by the appellant not being taken on record. The reason for not taking on record the written statement is that it was filed beyond the period stipulated under Order VIII Rule 1 of the Code of Civil Procedure, requiring the appellant to file an application disclosing therein sufficient cause for delay in filing the written statement to be condoned.

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2. The appellant has admittedly not invited the jurisdiction of the learned Single Judge, by moving any such application, therefore the appeal would not be maintainable.

3. Dismissing the appeal we simply observe that if the appellant files an application praying to the Court that written statement filed be taken on record and explains the reasons for the delay in filing the written statement, the same shall be considered by the learned Single Judge as per law.

4. No cost.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 26, 2016
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