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

\+ CM(M) 107/2017 & CM Nos.3553-54/2017

K J SINGH ..... Petitioner
Through Mohd.Parvez, Advocate

versus

M/S CHAITANYA PROJECTS CONSULTANCY PVT LTD & ORS ..... Respondents
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

O R D E R

% 02.02.2017

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 14.12.2015 by which his right to file written statement was closed.

2. The petitioner/defendant No.1 was served on 08.09.2015. Despite service no written statement was filed. Hence, on 14.12.2015 the trial court struck of the defence of the petitioner.

3. An advance copy of the petition has been sent to the respondents. However, none is present on their behalf.

4. The learned counsel appearing for the petitioner submits that there was delay in preparing of the written statement, as the petitioner is a resident of Chhattisgarh and is a senior citizen. He submits that the petitioner was suffering from ill health/old age ailment and was not in a position to travel to Delhi. He also submits that the proxy counsel engaged had also not

appeared on the date when the defence was struck off.

5. Keeping in view the averments made in the present petition and also in the interest of justice, subject to payment of cost of Rs.5,000/-, the present petition is allowed. The petitioner may file written statement within one week from today.

6. The petition and all the pending applications stand disposed of as above.

JAYANT NATH, J.

FEBRUARY 02, 2017/v