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

+ **CM(M) 137/2017**

STATE OF NCT OF DELHI AND ANR

..... Petitioners

Through Mr.Udit Gupta, Advocate with
Sh.P.K.Jayant, BDO & Dr.Surinder
Rana

versus

MEHAR SINGH AND ORS

..... Respondents

Through Appearance not given

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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03.02.2017

CM Nos. 4434 & 4436/2017 (exemptions)

Allowed subject to all just exceptions.

CM(M) No.137/2017 & CM No. 4435/2017 (stay)

1. By the present petition filed under Article 227 of the Constitution of India, the petitioners seek to challenge the order dated 13.10.2016 by which the right to file written statement was closed.
2. A perusal of the impugned order shows that the court had noted that when the matter was pending before this court on 09.09.2015 time was granted to file written statement, subject to payment of cost of Rs.5,000/- within four weeks with a clear warning that in case the cost is not paid, the written statement will not be taken on record.
3. The admitted fact is that the petitioner filed written statement within

four weeks as directed by this court vide order dated 09.09.2015. The written statement was filed on 07.10.2015. However, the cost was not paid and instead an application for waiver of the cost was filed. This application was dismissed on 20.10.2015.

4. The learned counsel for the petitioners submits that the cost, after dismissal of the application for waiver of the cost, had been paid on 28.10.2015. In these circumstances, he submits that the order dated 09.09.2015 stands complied with by the respondents.

5. I have heard the learned counsel for the parties.

6. The learned counsel for the respondents strongly opposes the present petition pointing out that the evidence of the respondents was completed before the trial court.

7. As stated by the learned counsel for the petitioners, it is clear that the order dated 09.09.2015 has been complied with. The written statement was also filed within four weeks. The cost was paid.

8. In the light of the above, the written statement filed by the petitioners is taken on record. The petition and all the pending applications stand disposed of.

9. A copy of this order be given *dasti* under the signature of the court master to the parties.

JAYANT NATH, J.

FEBRUARY 03, 2017/v