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

+ CM(M) 205/2017 & CM Nos.6773-74/2017

PRATAP NARAYAN VERMA

..... Petitioner

Through Mr.Yogesh Swaroop & Mr.Prashant
K.Mittal, Advocates

versus

BHARAT BHUSHAN GUPTA & ANR

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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20.02.2017

By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 17.11.2016 by which his right to file written statement was closed as the limitation period for filing written statement had already expired.

Admittedly, the petitioner/defendant No.2 was served with summons on 04.10.2016. The matter came up for hearing on 21.10.2016 when the petitioner entered appearance. Time was granted to file written statement within the prescribed period of limitation. On the next date, i.e. 17.11.2016 again the written statement was not filed, the petitioner's right to file written statement was closed.

The learned counsel for the petitioner submits that on 17.11.2016 the written statement of the petitioner was ready with the petitioner. The petitioner was present in court but as his counsel was held up in another court, the petitioner in person did not deem it appropriate to present the

written statement in the absence of his counsel.

Be that as it may, the petitioner has not filed any application before the trial court seeking condonation of delay in filing the written statement. Granting leave and liberty to the petitioner to move before the trial court with an appropriate application giving reasons as to why the delay took place in the filing of the written statement, the present petition is disposed off.

In case, any such application is filed before the trial court, the same may be disposed of by the trial court as per law. The trial court may take into account the time spent by the respondent in pursuing the petition before this court.

All the pending applications are also dismissed as withdrawn.

JAYANT NATH, J.

FEBRUARY 20, 2017/v