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

+ C.R.P. 31/2017 and CM No. 5829/2017 (stay)

M/S MEDIPOL PHARMACEUTICAL

INDIA PVT LTD

..... Petitioner

Through Mr.Mohit Kr. Gupta and Mr.Saurabh
Sanchita, Advocates.

versus

TRANS INDIA INTERNATIONAL LIMITED..... Respondent

Through Mr.Bharat Bhushan Gupta and
Ms.Geeta Verma, Advocates.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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21.02.2017

1. By the present petition filed under Section 115 CPC, the petitioner seeks to impugn the order dated 21.12.2016 by which the right of the petitioner/defendant to file the written statement was closed as more than 103 days had lapsed since the service of the defendant/petitioner.
2. Learned counsel appearing for the petitioner has pointed out that the delay took place on account of coordination problem between the petitioner and the counsel who had been engaged. It is stated that the petitioner had purchased the court fees of Rs. 82,000/- to file the counter-claim against the respondent and was under the impression that the written statement and counter-claim would be filed together.
3. Despite follow up, as the written statement was not prepared, the

petitioners changed their counsel and thereafter, got prepared the written statement which was sought to be filed on 21.12.2016 but the trial court did not accept the same.

4. I have heard learned counsel for the parties.

5. Learned counsel for the respondent has pointed out that the conduct of the petitioner has been extremely casual and does not warrant any discretion from the court.

6. Keeping in view the grounds stated by the petitioner and in the interest of justice, subject to payment of costs of Rs.3,000/- the present petition is allowed. The petitioner is permitted to file the written statement within a week from today.

7. All pending applications also stand disposed of.

Dasti.

JAYANT NATH, J

FEBRUARY 21, 2017

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