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

+ CM(M) 210/2017

LAXMI NARAYAN @ AKASH & ANR..... Petitioner

Through Mr.Dhan Mohan, Mr.Anoop Kumar,
Mr.Tohil B.Mishra and Mr.Sarthak Maggon,
Advs.

versus

JITESH KUMAR MEHRA

..... Respondent

Through Mr.Ranjan Kumar, Advocate
alongwith respondent

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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20.02.2017

Caveat No.170/2017

Since counsel for respondent has entered appearance notice of caveat stands discharged.

CM Nos.6986-6987/2017 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 210/2017

1. The present petition is filed under Article 227 of the Constitution of India seeking to challenge the order dated 25.1.2017 by which the right of the petitioner to file written statement was closed. The respondent has filed a suit for recovery of Rs.20 lacs for defamation/damages. The defendant/petitioner was served on 22.9.2016. It is submitted before this court that when the matter was listed in this court on 15.11.2016 written statement was ready to be filed but the Presiding Officer on that date was on leave. It is urged that the written statement was offered to the concerned

clerk, who did not accept it stating that the same be filed on the next date of hearing on 25.1.2017. It is admitted that this was an inadvertent mistake on the part of counsel inasmuch as the written statement should have been filed on that date i.e. 16.11.2016.

2. Keeping in view the averments made by the petitioner, it would be in the interest of justice that the written statement which is already on record be permitted to be taken on record, subject to payment of costs of Rs.7,500/-. This order is being passed keeping in view the submission of the petitioner that they were inadvertently misled by the court staff though they also admit that they should have been more careful in this regard.

3. Petition and all pending applications, if any, also stand disposed of.

4. Dasti.

JAYANT NATH, J

FEBRUARY 20, 2017

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