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

+ CM(M) 254/2017

PUNEET SINGH & ANR Petitioners
Through Mr.Ashish Deep Verma, Advocate.

versus

INDER PAL SINGH Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **03.03.2017**

CM No. 8466/2017 (exemption)

Allowed subject to all just exceptions.

CM(M) 254/2017

1. By the present petition filed under Article 227 of the Constitution of India, the petitioners seek to challenge the order dated 23.01.2017. By the said order, the trial court noted that the petitioner/defendant has filed the written statement but costs of Rs.5,000/- have not been paid nor copy of the written statement has been supplied to the respondent/plaintiff. Hence, the written statement which had been taken on record was taken off the record and the defence of the petitioner was struck off.

2. Learned counsel for the petitioner points out that the written statement was duly filed on 06.09.2016 and was taken on record by the trial court. However, on the next date i.e. 02.11.2016, an adjournment was requested by the petitioner as the counsel was out of town. It was in these circumstances

that the costs were not paid and the tracking report of the service of the written statement was not filed. He submits that though this is because of oversight. He submits, great prejudice would be caused to the petitioner in case, the written statement is not taken on record.

3. An advance copy of the petition has been sent to the respondent by speed post but none is present on behalf of the respondent.

4. Keeping in view the averments of the petitioner, subject to payment of costs of Rs.5,000/- plus the sum of Rs.5,000/- imposed upon the petitioner earlier by the trial court, the written statement may be taken on record. The costs may be paid on the next date of hearing before the trial court.

5. Learned counsel for the petitioner submits that the copy of the written statement has already been supplied. A fresh copy of the written statement will be sent to the respondent.

6. In view of the above, the present petition stands disposed of.

JAYANT NATH, J

MARCH 03, 2017
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