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

+ CM(M) 282/2017

VARINDER KAUR BAKSHI

..... Petitioner

Through Ms.Sanya Kapur and Mr.Sahil
Mahajan, Advocates

versus

KARANJIT SINGH

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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10.03.2017

CM No.9604/2017 (*exemption*)

Allowed subject to all just exceptions.

CM(M)282/2017 & CM No.9603/2017(*stay*)

1. By the present petition under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 6.2.2017 by which order the trial court exercised its discretion and condoned delay of 34 days in filing the written statement. Learned counsel appearing for the petitioner has vehemently argued that the only ground stated in the accompanying application seeking condonation of delay was that there was difficulty on account of demonetisation. She submits that there is no affidavit attached to the application for condonation of delay. She further submits that contemporaneously the respondent has filed another suit against the petitioner where he has paid court fee of Rs.17,000/- and the plea of demonetisation was misplaced.

2. A perusal of the impugned order shows that the trial court noted that

the suit is at the initial stage and there is only a delay of 34 days in filing of the written statement. Hence, the application for condonation of delay was allowed subject to payment of costs of Rs.300/-.

3. Considering that the delay is within a period of 90 days and also the fact that the trial court has exercised its discretion based on the facts of the case, I see no reason to interfere in the impugned order.

4. Petition is dismissed. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

MARCH 10, 2017

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