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

+ CM(M) 419/2016

M/S KRITIKA ENTERPRISES PVT LTD Petitioner
Through Mr.S.M.Gupta, Advocate.

versus

MS/ MERA BABA REAL ESTATE PVT LTD..... Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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09.03.2017

CM No. 15988-89/2016 (exemption)

Allowed subject to all just exceptions.

CM(M) 416/2016 & CM No.15987/2017 (stay)

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 16.02.2016 by which an application filed by the respondent/defendant under Order 8 Rule 1 A CPC was allowed and the respondent was allowed to place on record documents.
2. The grievance of the petitioner is that the respondent/defendant was served on 30.06.2015. After several adjournments, the written statement has been filed on 02.12.2015. The written statement was filed without any documents. Now, two months later, on 04.02.2016, the documents have been.
3. It is stated that in the impugned order the trial court has noted that no

explanation has been given for not filing the documents along with the written statement, yet, the application has been allowed.

4. Normally a defendant would have to file the documents along with the written statement. Here, there is a delay of two months on account of the alleged inadvertence. The trial court in its discretion has condoned the delay and has allowed the respondent to place the documents on record. There are no reasons to interfere with the said order passed by the trial court.

5. In view of the above, the present petition and all pending applications stand dismissed.

JAYANT NATH, J

MARCH 09, 2017

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