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

+ CM(M) 310/2017 & CM No.10745/2017

KANTA GUPTA

..... Petitioner

Through: Mr.Kirti Uppal, Senior Advocate
instructed by Mr.Vishesh Issar and
Mr.Harsh Kumar, Advocates.

versus

CHARAN SINGH

..... Respondent

Through: Mr.Ram Anugrah Singh, Advocate.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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27.04.2017

CM(M) 310/2017

1. By filing the instant petition under Article 227 of the Constitution of India, the petitioner has impugned the order dated 29th September, 2016 whereby right of the petitioner/defendant to file written statement has been closed by the learned Trial Court as well as order dated 28th November, 2016 whereby application for recalling of the order dated 29th September, 2016 has also been dismissed.

2. Notice of the petition was issued to the respondent.

3. Learned counsel for the respondent/plaintiff, on instructions, submits that the respondent has no-objection if the written statement filed by the petitioner/defendant before the learned Trial Court is taken on record subject to such terms and conditions as deemed fit by this Court.

4. Learned Senior Counsel for the petitioner/defendant submits that the petitioner is ready to abide by any condition as deemed fit by this Court while considering his prayer. He further submits that to avoid further delay

in the matter, the respondent/plaintiff may file the replication, if necessary, as well the documents for purpose of admission-denial and issues on the next date of hearing fixed before the learned Trial Court.

4. With the consent of learned counsel for the parties, the petition is allowed subject to following conditions:-

(i) The written statement filed by the petitioner/defendant before the learned Trial Court shall be taken on record subject to payment of cost of ₹1 lac to the respondent/counsel for the respondent on or before next date of hearing fixed before the learned Trial Court, which is stated to be 18th July, 2017.

(ii) The respondent/plaintiff shall file the replication, if any, as well the documents for purpose of admission-denial and issues on or before the next date of hearing fixed before the learned Trial Court.

(iii) It is made clear that if cost of ₹1 lac is not paid on or before 18th July, 2017 i.e. the date fixed before learned Trial Court, this petition shall stand dismissed.

5. With above directions, the petition stands disposed of.

6. A copy of this order be sent to the concerned Trial Court for information and compliance.

7. As prayed, copy of the order be given dasti to learned counsel for the parties.

CM No.10745/2017

Dismissed as infructuous.

PRATIBHA RANI, J.

APRIL 27, 2017/ 'st'