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

+ **CS(OS) 2387/2012**

MOHAR SINGH & ANR Plaintiff

Through: Mr Manu Bansal and Mr Girish Gaur,
Advocates for respondent in OA
No.122/2015

versus

KHAZAN SINGH & OTHERS Defendants

Through: Mr Arvind Sharma, Advocates for
appellant in OA No.122/2015

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **03.05.2017**

OA No.122/2015

This is an appeal filed under Rule 4 of Chapter II of the Delhi High Court (Original Side) Rules, 1967 against the order dated 11.08.2014 passed by the Joint Registrar rejecting the application of the defendants to file their written statement belatedly.

The learned Joint Registrar has noted that the defendants were served on 01.12.2012 and since they failed to file their written statement, their right to do so was closed on 02.04.2013. The defendants had filed an application for filing a written statement more than a year, thereafter. It is also relevant to note that the defendants have filed the present appeal almost six months after the impugned order dated 11.08.2014 was passed. It is plainly apparent that the defendants have not been diligent in defending the suit.

However, in the interest of justice, the written statement is taken on record subject to payment of costs of ₹25,000/-, which shall be paid to the learned counsel for the defendants within a period of one week from today. It is clarified that if there is any delay in payment of the said cost, the written statement filed will not be taken on record. Subject to the aforesaid cost being paid, the plaintiff may file a replication within a period of two weeks, thereafter.

The appeal is disposed of.

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The file of the present suit be transferred to the concerned court.

List before the concerned court on 10.08.2017.

VIBHU BAKHRU, J

MAY 03, 2017
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