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

+ C.R.P. 98/2017

SANTOSH ROHILA

..... Petitioner

Through: Mr.Shital Bindal, Advocate.

versus

DINESH ARYA

..... Respondent

Through: Mr.Rahul Sharma, Advocate with
respondent in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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24.05.2017

C.R.P. 98/2017

1. The petitioner has filed the instant petition impugning the order dated 7th March, 2017 whereby the application filed by the petitioner under Order VII Rule 10 read with Section 20 CPC was dismissed and defence of the petitioner was struck-off on account of non-filing of the written statement.
2. Learned counsel for the petitioner submits that within thirty days from the date of service, he filed an application under Order VII Rule 10 CPC read with Section 20 CPC which was dismissed vide impugned order dated 7th March, 2017 and by the same order his defence was struck-off for non-filing of the written statement, despite the fact that during the pendency of the application no direction was given to file the written statement.
3. Learned counsel the petitioner submits that grievance of the petitioner would be redressed if only one opportunity is granted to him to file the written statement.

4. Learned counsel for the respondent submits that he has no-objection if one opportunity is granted to the petitioner/defendant to file the written statement subject to such terms and conditions as deemed fit by this Court.
5. In view of the submissions made on behalf of the petitioner/defendant and no-objection given by learned counsel for the respondent/plaintiff, the petition is allowed to the extent that the petitioner is permitted to file the written statement before learned Trial Court within one week subject to payment of cost of Rs.20,000/- to be paid to learned counsel for the respondent/plaintiff.
6. The next date of hearing fixed before the learned Trial Court is stated to be 27th May, 2017.
7. It is made clear that if cost is not paid by the petitioner to the respondent on the next date of hearing fixed before the learned Trial Court, this petition shall stand dismissed.
8. Petition stands disposed of in above terms.
9. A copy of this order be sent to the concerned Trial Court for information and compliance.
10. As prayed, copy of the order be given dasti to learned counsel for the parties under the signature of Court Master.

CM No.15428/2017

Dismissed as infructuous.

PRATIBHA RANI, J.

MAY 24, 2017

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