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

+ CM(M) 490/2017

SUSHANT GOYAL

..... Petitioner

Through: Mr.Rohit Bansal, Advocate.

versus

KAUSHALYA DEVI & ANR

..... Respondents

Through: Mr.V.P.Katiyar and Mr.Puneet
Verma, Advocates.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **26.05.2017**

CM(M) No.490/2017

1. The petitioner has invoked the extraordinary jurisdiction of this Court under Article 227 of the Constitution of India impugning the order dated 7th March, 2017 whereby the opportunity of the petitioner to file written statement has been closed on the ground of non-filing the written statement within thirty days from the date of service.
2. Mr.Rohit Bansal, Advocate for the petitioner submits that the reason for non-filing of written statement within thirty days from the date of service was that the complete set of documents was not supplied by the plaintiffs/respondents. He further submits that grievance of the petitioner would be redressed if only one opportunity is granted to him to file the written statement.

3. Mr.V.P.Katiyar, Advocate for the respondents 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.
4. In view of the submissions made on behalf of the petitioner/defendant and no-objection given by learned counsel for the respondents/plaintiffs, the petition is allowed to the extent that the petitioner is permitted to file the written statement before learned Trial Court within ten days subject to payment of cost of Rs.25,000/- to be paid to Sh.V.P.Katiyar, Advocate for the respondents/plaintiffs.
5. The written statement shall be filed by the petitioner before the learned Trial Court alongwith the proof of paying the cost.
6. It is made clear that if cost is not paid by the petitioner to the learned counsel for the respondents within ten days, this petition shall stand dismissed.
7. Petition stands disposed of in above terms.
8. A copy of this order be sent to the concerned Trial Court for information and compliance.
9. As prayed, copy of the order be given dasti to learned counsel for the parties.

CM No.16754/2017

Dismissed as infructuous.

PRATIBHA RANI, J.

MAY 26, 2017

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