

Chamber Appeal (O.A.No.237/2016), which was filed by the appellant against the order dated 3rd August, 2016 passed by the Joint Registrar (Original), was dismissed on 16th February, 2017.

4. It appears that the appellant's company is in liquidation and the provisional official liquidator was appointed by an order dated 6th September, 2010.

5. The suit being *CS(OS)No.274/2015 SMC Global Securities Limited vs. Sarawati Gupta & Ors.* was instituted by the respondents against the appellant as well as its directors for specific performance. The appellant was granted time to file written statement by the order passed on 14th December, 2015 which stood extended by the order dated 16th May, 2016 and the matter was fixed for 3rd August, 2016 for admission/denial of documents before the Joint Registrar.

Unfortunately, the written statement was not filed within the stipulated time period.

6. On 3rd August, 2016 counsel for the office of the Official Liquidator was unable to reach the court on time. As a result, by an order of this date, the Joint Registrar closed the right of the appellant to file the written statement.

7. Aggrieved thereby, O.A.No.237/2016 was filed which was dismissed by the impugned order dated 16th February, 2017.

8. In the present application, the respondents had submitted that because of pendency of the appeal, further proceedings in its suit are being delayed. The proceedings in the suit stand adjourned to 31st January, 2018.

9. In view thereof, the respondents submit that it does not oppose the condonation of delay in refiling of the written statement.
10. We are informed by Ms. Ruchi Sindhwani, Id. Senior Standing Counsel that the written statement was filed on 23rd August, 2016 vide Diary No.205389 in the Registry, however, due to the closure of rights, the same could not be taken on record.
11. In order to expedite the proceedings in the suit, respondents submit that the written statement filed by the appellant be taken on record and the appeal be allowed.
12. In view of the above submission as made in this application, it is directed that the written statement filed by the appellant vide diary No.205389 on 23rd August, 2016 be taken on record. In case the same stands returned by the Registry under objection, the appellant shall take steps to remove the objections and ensure that the same written statement or an identical copy thereof, duly signed, is refiled on or before 7th January, 2018.
13. Advance copy of the written statement has been enclosed with the appeal. The respondent may file its replication thereto within the same period.
14. List for directions before the Joint Registrar (Original) on or before 15th January, 2018.
15. This application is allowed in the above terms.
16. The earlier fixed date of 9th April, 2018 shall stand cancelled.

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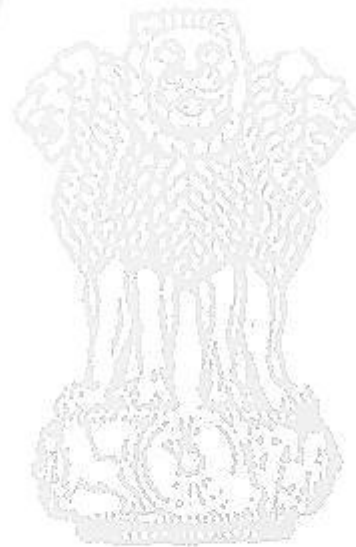
In view of the order recorded in CM No.46293/2017, the appeal is allowed.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 19, 2017

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