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

+ CM(M) 1280/2016

BASANT LAL CHOPRA Petitioner

Through Mr.B.L.Chawla, Advocate

versus

NARINDER JAIN & ANR Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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09.01.2017

1. By the present petition filed under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 17.8.2016. The case of the petitioner is that he has moved a counter-claim on 9.7.2007. The plaintiff No.1/respondent No.1 filed the written statement to the counter claim on 8.10.2008. The grievance of the petitioner is that without giving any cogent reasons the trial court has condoned the delay contrary to the legal position as stated in the judgment of the Supreme Court in ***R.N.Jadi & Brothers and Others vs. Subhash Chandra, (2007) 6 SCC 420.***

2. The trial court has observed that procedural law is meant for justice and must not be strictly construed when the delay can be compensated by the cost. Therefore, while disposing of the application and condoning the delay in filing of the written statement, costs of Rs.25,000/- was imposed on the respondents.

3. I may note that the counter-claim was filed in 2008. Now, eight years later, to reject the written statement on the ground that no proper explanation has been given for the delay would be inappropriate. Further, I see no reason to interfere in the reasoning adopted by the trial court.

4. The petition is dismissed. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

JANUARY 09, 2017

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