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

+ C.R.P. No.152/2017

ALLIED REALTY PRIVATE LIMITED

... Petitioner

Through: Mr. Ravi Gupta, Sr. Adv. with Mr.
Vikram Sobti, Adv.

versus

CHANDER MAL

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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14.07.2017

CM No.24313/2017 (for exemption).

1. Allowed, subject to just exceptions.
2. The CM stands disposed of.

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3. This Revision Petition under Section 115 of the Code of Civil Procedure, 1908 (CPC) impugns the order dated 29th April, 2017 (of the Additional District Judge-05, South District, Saket Courts, New Delhi in Suit No.8807/16) of dismissal of the application filed by the petitioner / defendant under Order VII Rule 11 of the CPC.
4. After full hearing, the senior counsel for the petitioner / defendant, under instructions, withdraws the petition.
5. Dismissed as withdrawn.
6. At this stage, the senior counsel for the petitioner / defendant states that the petitioner / defendant has not filed the written statement as yet; that the suit is listed next before the Additional District Judge on 3rd August, 2017 for consideration of the application of the respondent / plaintiff for

striking off the defence of the petitioner / defendant for non-filing the written statement within 90 days.

7. The senior counsel for the petitioner / defendant seeks liberty to file the written statement and states that the written statement shall be filed with advance copy to the counsel for the respondent / plaintiff on or before 21st July, 2017.

8. Notice of the petition having not been issued to the respondent / plaintiff, he is not before this Court.

9. On enquiry it is informed that the suit was instituted in December, 2014 and the petitioner / defendant must have been served there about.

10. Only for the sake of ensuring that there is no further delay to the suit, in the absence of the respondent / plaintiff it is deemed appropriate to dispose of this request by providing that subject to the petitioner / defendant filing the written statement on or before 21st July, 2017 as aforesaid and further subject to the petitioner / defendant tendering to the counsel for the respondent / plaintiff costs of Rs.1,00,000/-, the written statement shall be conditionally taken on record. If the respondent / plaintiff is agreeable to the written statement being taken on record subject to the said costs, the counsel for the respondent / defendant will be entitled to accept the costs and in which case the respondent / defendant may file replication to the written statement on 3rd August, 2017 or thereafter.

11. However if the said arrangement is not agreeable to the counsel for the respondent / plaintiff, the respondent / plaintiff shall be entitled to apply in this disposed of Revision Petition for hearing on the said aspect.

12. With the aforesaid direction, the petition is disposed of.
Dasti under signature of Court Master.

RAJIV SAHAI ENDLAW, J

JULY 14, 2017
'pp'..

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