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

+ **CM(M) 853/2017**

MAM CHAND

..... Petitioner

Through: Petitioner-in-person.

Versus

PANKAJ CHAWLA & ORS

..... Respondents

Through: Mr. Deepak Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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09.08.2017

CM No.28431/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

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3. This petition under Article 227 of the Constitution of India impugns the order [dated 5th June, 2017 in CSSCJ No.613459/2016 of the Court of Civil Judge-07, West District, Tis Hazari Courts, Delhi] taking on record subject to payment of costs of Rs.1,000/- to the petitioner / plaintiff, the written statement of the respondents / defendants no.1 to 4, filed “within two months”.
4. The petitioner / plaintiff appears in person and has been heard.
5. The respondents / defendants no.1 to 4 were served on 30th November, 2016, 3rd December, 2016 and 5th December, 2016. They appeared before the Suit Court on 17th December, 2016 and filed the written statement on 1st February, 2017.

6. The petitioner / plaintiff has argued that the written statement filed on the 63rd day from service of summons of suit, was taken on record without considering a) that no application had been filed for extension of time for filing written statement; b) without giving him an opportunity to argue; and, c) in violation of the mandate of law requiring the written statement to be filed within 30 days.

7. No ground for interfering, in exercise of jurisdiction under Article 227 of the Constitution of India, with the discretion exercised by the learned Civil Judge in condoning the delay in filing the written statement and taking the written statement on record is made out.

8. The counsel for the respondents / defendants no.1 to 4 appearing on advance notice states that the cost imposed as a condition for taking the written statement on record was tendered to the petitioner / plaintiff and unconditionally accepted by the petitioner / plaintiff.

9. The petitioner / plaintiff, on enquiry, admits that cost has been received by him.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 09, 2017

‘gsr’..

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