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

+ CM(M) 61/2017 and CM Nos. 1916-18/2017

M/S ECOM GILL COFFEE TRADING PVT LTD..... Petitioner
Through Mr.Sahilesh Madiyal and Mr.Deepak
Agarwal, Advocates.

versus

M/S S.K INTERIOR Respondent
Through Mr. Nitesh Rana and Mr.Mansih Jain,
Advocates.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
17.01.2017

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1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 06.10.2016 by which an application filed by the petitioner under Order 8 Rule 1 CPC for condonation of delay in filing of the written statement was dismissed.
2. The petitioner was served in the 2nd week of September 2015. There was a delay of 199 days in filing of the written statement.
3. As per the application, it was the case of the petitioner that the petitioner approached the local counsel in Bangalore who approached the advocate in Delhi for contesting the matter. It required coordination between the two counsel and the petitioner which was the cause of delay. Further on account of the fact that some of the officials are based in the plantation area in a remote village of Chickmangalore where communications are not

regular, there was some delay.

4. The trial court however noted that the petitioner has failed to mention the dates on which the local advocate or the advocate at Delhi was approached. Petitioner has also failed to disclose the exact date of service of summons. It concluded that the application has been moved in a very casual manner without explaining each day's delay. Similar observation is made regarding the officials working in a remote area i.e. their names have not been disclosed. It also noted that the petitioner after receipt of summons in the present case could coordinate and get filed a suit against the respondent in Bangalore Court on 31.10.2015. Hence, the trial court concluded that the petitioner has failed to show that the delay was caused by any bona fide exceptional circumstances beyond his control and dismissed the application.

5. I have heard the learned counsel for the parties.

6. Keeping in view the explanation given by the petitioner, in the interest of justice, subject to payment of costs of Rs. 20,000/-, the written statement filed by the petitioner is taken on record.

7. In view of the above, the present petition and all pending applications stand disposed of.

JAYANT NATH, J

JANUARY 17, 2017

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