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

+ CM(M) 1235/2015

NARENDER NATH (SINCE DECEASED)

THR LEGAL HEIRS

..... Petitioner

Through: Mr.Sacchin Puri, Senior Advocate
instructed by Mr.Mayank Wadhwa
and Ms.Mehak Tanwar, Advocates.

versus

RAJ BALA

..... Respondent

Through: Mr.Jai Mohan, Advocate.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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15.05.2017

CM(M) 1235/2015

1. The instant petition under Article 227 of the Constitution of India has been filed by the legal heirs of petitioner Narender Nath (defendant in Eviction Petition No.112/11) impugning the order dated 12th August, 2015 whereby their defence has been struck off on account of non-filing of written statement within ninety days as well as order dated 28th October, 2015 whereby after closing PE, the matter has been adjourned for arguments without giving any opportunity to the petitioners/defendants to lead defence evidence.

2. Learned counsel for the petitioners submits that the grievance of the petitioners would be redressed if the petitioners are allowed to place on record the written statement to contest the suit.

3. Learned counsel for the respondent submits that he has no objection if an opportunity is granted to the petitioners to file the written statement subject to such terms and conditions as deemed fit by this Court.

4. In view of the submissions made by learned counsel for the petitioners and no-objection given by learned counsel for the respondent, the petitioners are permitted to file written statement before the learned Trial Court, subject to payment of cost of ₹1 lac to learned counsel for the respondent within one week from the date of this order.

5. The petitioners are directed to file written statement before the learned Trial Court within one week from the date of this order alongwith proof of paying the cost of Rs.1 lac to learned counsel for the respondent.

6. Since the time for filing the written statement and paying the cost is one week, learned counsel for the respondent has also furnished his mobile number to learned counsel for the petitioner today in the Court to enable the petitioner to pay the cost without any further delay.

7. The petition stands allowed in above terms.

8. It is made clear that the written statement to be filed by the petitioners within one weeks before the learned Trial Court shall be taken on record only on payment of cost of ₹1 lac by the petitioners to learned counsel for the respondent.

9. A copy of this order be sent to the concerned Trial Court for information and compliance.

10. As prayed, copy of the order be given dasti to learned counsel for the parties under signature of Court Master.

CM No.30554/2015

Dismissed as infructuous.

PRATIBHA RANI, J.

MAY 15, 2017/‘st’