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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 210/2018 & CM Nos. 6792-93/2018
HAZARI LAL Petitioner

Through: Mr. L.B. Rai, Adv.

versus

YADAV LAL Respondent

Through

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **21.02.2018**

The petitioner is the plaintiff of the suit (Case No. 572/16) instituted on 06.10.2015 impleading the respondent (defendant), the prayer being for declaration, partition and cancellation of Will besides GPA executed by late Smt. Sati Devi, mother of the parties in favour of the defendant. It is clear from the impugned order dated 27.10.2017 that the respondent/defendant was served on 30.10.2015. It also appears that the written statement was not filed inspite of number of opportunities being granted. Eventually, it was submitted with an application under Order 8 Rule 1 of the Code of Civil Procedure, 1908 (CPC) on 24.08.2016, after the plaintiff had moved the application for striking of the defence under Order 8 Rule 10 CPC on 27.07.2016. The learned trial Judge has found reasons for delay as explained in the application to justify the enlargement of time and taking the written statement on board by the impugned order.

The challenge to the order dated 27.10.2017 with reference to *Aditya Hotels (P) Ltd. Vs. Bombay Swadeshi Stores Ltd. & Ors.* is found by this Court to be ill-conceived. The learned trial Judge has exercised judicial discretion and this Court has not found good reasons to interfere.

The petition and the accompanying applications are dismissed.

R.K.GAUBA, J

FEBRUARY 21, 2018

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