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

+ CM(M) 509/2018 & CM Nos. 17932-33/2018

M/S AGARWAL PACKERS & MOVERS (A UNIT OF DRS
LOGISTICS) Petitioner

Through: Mr. Nilesh Kumar, Adv.

versus

NTPC BHEL POWER PROJECTS PVT LTD..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **02.05.2018**

The petitioner is the defendant in the suit (suit no. 793/2016 – new number 6164440/2016) which was instituted on 26.02.2016 by the respondent (plaintiff) for recovery of Rs.10,84,860/-. It is not disputed that upon being served with the summons, the petitioner had appeared through counsel on 24.05.2016 and further that no written statement was filed inspite of adjournments, the right to file written statement having been closed by order dated 08.10.2016. The petitioner had moved an application seeking setting aside of the said order which was considered by the learned Additional District Judge by his order dated 08.01.2018 whereby the prayer was declined. It is the said order which is under challenge by the petition at hand.

Having heard the learned counsel for the petitioner and having gone through the record, this Court finds no error or infirmity in the view taken by the trial Court. As noted earlier, the petitioner had been duly served and had even appeared on 24.05.2016. Adjournments were granted on his request for written statement to be filed but no steps to that effect were taken. The right was closed by order dated 08.10.2016. The petitioner had earlier moved a similar application on 26.04.2017 which was dismissed by the trial court on 25.08.2017. The application on which the impugned order was passed would not even mention the said order or the earlier application filed. The attempt made to pass on the buck to the previous counsel does not appeal to this Court in the facts and circumstances of the case.

The petition is devoid of substance. It with accompanying applications are dismissed.

R.K.GAUBA, J

MAY 02, 2018

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