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

+ RFA(OS) 46/2018, C.M.26958-26960/2018

VIPUL KHULLAR

..... Appellant

Through: Mr.Rajeev Saxena, Mr.Rachit Sahney and
Ms.Namrata Chauhan, Advts. with
appellant in person.

versus

SHILPA KHULLAR SOOD

..... Respondent

Through: Mr.Munindra Dvivedi and Mr.Bhavitt K.
Rastogi, Advts. with respondent in
person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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27.08.2018

C.M.26959/2018 (delay)

The present application has been filed by the appellant for condonation of delay in filing the present appeal.

There is no opposition to the prayer made in the application. Accordingly, the delay of 23 days in filing the present appeal is condoned.

The application stands disposed of.

RFA(OS) 46/2018, C.M.26958/2018 (stay) & 26960/2018 (addl. documents)

The present appeal is directed against the order dated 12.03.2018 by which a preliminary decree has been passed in a suit for partition filed by the respondent. Learned Single Judge took note of the fact that despite service, no written statement was filed. Moreover, an adjournment had been prayed on the ground that the counsel for the appellant was busy in Delhi Bar Council elections. The appellant was present in Court before the court of the Single Judge when the order was passed.

Mr.Saxena, counsel for the appellant submits that the appellant had paid his counsel, written statement was prepared and on account of fault of his counsel, the appellant should not be made to suffer. He submits that admittedly the deceased father has made a Will which has been videographed which could not be brought to the notice of the learned Single Judge. Learned counsel for the respondent disputes the same. However, he submits that the sole aim and object of the appellant is just to delay the matter. He further submits that in case the order is to be recalled strict timeline should be fixed and the appellant should be burdened with heavy cost.

We have heard learned counsels for the parties.

Having regard to the stand taken by the parties, subject to payment of cost of Rs.1 lakh, out of which Rs.50,000/- would be paid to the respondent and Rs.50,000/- would be paid to the Kerala Chief Minister's Distress Relief Fund, the written statement be filed within two weeks after serving advance copy to the respondent, who shall file her replication within one week thereafter. Parties would complete the admission/denial of their documents on affidavit.

List the matter before the learned Single Judge on 20.09.2018 for framing of issues. Parties agree not to seek any unnecessary adjournments.

With these agreed directions, the appeal is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 27, 2018

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