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

+ CM(M) 631/2018 & CM No. 22423/2018 (stay)

ANIL BHARDWAJ Petitioner

Through: Mr. Sumit Kr. Khatri, Adv.

versus

MANGLO DEVI Respondent

Through: Mr. S.B. Pandey, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **29.05.2018**

The petitioner is the defendant in the civil suit (CS no. 521/17) which was instituted by the respondent (the plaintiff) seeking reliefs in the nature of possession, injunction and recovery of rent, electricity dues and mesne profits. The petitioner was duly served and appeared on 01.09.2017 but did not file written statement even though he had availed the services of an advocate. Though the counsel was present on his behalf on 04.12.2017, written statement was not filed. The additional district judge presiding over the case, found no good reason to enlarge the opportunity and thus closed the right of the petitioner to file written statement. It is clear from the subsequent proceedings that when the case was put to trial the plaintiff of the case being called upon to lead evidence, the petitioner again tried to cause delay. The case has already reached the stage of final arguments when the present petition was filed seeking renewed opportunity for written statement.

The respondent has appeared on service of notice through counsel

who does not want to file any formal reply and submits at the outset that the prayer may be granted to the petitioner subject to suitable conditions including as to costs.

Given the concession of the plaintiff of the case, the prayer in the petition is allowed, subject to costs of Rs.25,000/- , which shall be paid to the plaintiff on 07.07.2018 as is the date fixed in the matter before the additional district judge. The payment of costs shall be pre-condition to the right of the petitioner to submit his written statement which shall also be tendered on 07.07.2018 without any prayer for further enlargement of time being made or entertained.

The petitioner undertakes through counsel that hereafter he will cooperate with the trial court for early decision of the case and will not seek any unnecessary adjournment.

Binding the petitioner with this undertaking, the petition and the application filed therewith are disposed of in above terms.

Dasti to both sides.

MAY 29, 2018/nk
CM(M) 631/2018

R.K.GAUBA, J.

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