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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 737/2018**

SUNITA AGGARWAL & ORS Petitioners
Through: Mr.Sudhir Gupta, Advocate

versus

LAXMI RAJ VANSHI & ORS Respondents
Through:

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% 09.07.2018
CM No.26477/2018 (Exemption)

Exemption allowed, subject to just exceptions.

CM(M) No.737/2018 and CM No. 26478/2018

By the present petition, the petitioner assails the impugned order dated 1.6.2018 of the learned Trial Court, District & Session Judge, East District, Karkardooma Courts, Delhi whereby an application filed on behalf of the defendants No.1,2 and 4 to 6 seeking condonation of delay in submission of the written statement and seeking extension of time for submission of the same submitting to the effect that the office of the learned counsel for the said defendants was being shifted and the file got misplaced were allowed and the said defendants were allowed to place their written submission on the record subject to the costs as imposed vide impugned order.

Learned counsel for the petitioner has placed reliance on the verdict of this Court in *Sudhir Yadav and Ors. v. Surjeet Yadav*;

2017 VI AD (Delhi) 62, to submit that the extension of time for filing the written statement even if allowed cannot be automatic, which is undoubtedly cannot. However as observed by the learned Trial Court vide the impugned order dated 1.6.2018 that every case has to be determined on its own facts despite the submission that the stipulated period of thirty days and extension of time as been categorically laid down by the Apex Court in ***Kailash V. Nankhu & Ors.***; 2005 AIR (SC) 2441 observing to the effect that there can be no straightjacket formula laid down except that the observance of the time schedule contemplated by Order VIII Rule 1 of the CPC shall be the rule and departure therefrom an exception, made for satisfactory reasoning, and that Order VIII Rule 1 of the CPC though construed in a mandatory form is directory.

In the circumstances, in view of the reasons already detailed by the learned Trial Court vide the impugned order dated 1.6.2018, there is no ground for variation thereof.

In view thereof, the petition is declined.

ANU MALHOTRA, J

JULY 09, 2018/SV