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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CM(M) 790/2018 & CM APPL. 27963-27965/2018**

**MEHTAB SINGH & ORS** ..... Petitioner  
Through: Mr. Mohit Tyagi, Adv.

versus

**SHAMSHER SINGH & ANR** ..... Respondent  
Through: Mr. Abhishek Paruthi, Adv. for R-1.

**CORAM:**  
**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**  
% **18.07.2018**

Learned counsel for the respondent no.1 i.e. the plaintiff to the Civil Suit No.611556/16, is present on advance notice.

It has been submitted on behalf of either side that the respondent no.2 arrayed on record i.e. the defendant no.11 in the said suit is stated to be not being appearing before the learned trial Court.

Vide the present petition, the petitioner assails the impugned order dated 12.03.2018 of the ADJ-05, West, THC whereby the application under Section 151 of the CPC, 1908 filed by the petitioner nos.1 to 10 as the defendant nos. 1 to 10 to the said civil suit seeking to submit the written statement was declined it having been filed without any application for condonation of delay in filing the same. On the record of the present petition is Annexure P-9 which is stated to be the copy of the application under Section 151 of the CPC as submitted on behalf of the petitioner. The application was disposed of

vide the impugned order dated 12.03.2018 of the ADJ-05, West, THC vide which the petitioners sought to place on record the written statement with a condonation of delay in filing the same qua which it appears that there is apparently an inadvertent observation to the effect that the written statement was sought to be filed without an application for condonation of delay. However para-4 of the said application dated 12.03.2018 filed on behalf of the petitioner before the learned trial Court only speaks of an inadvertent delay without any intention to cause delay on the part of the defendant nos. 1 to 10 for submission of the written statement without any other reason spelt for the said delay.

On behalf of the respondent no.1 learned counsel for the respondent no.1 who represents the plaintiff before the learned trial Court submits that there have been repeatedly dilatory tactics adopted by the petitioners since the year 2013 when the suit was instituted. Learned counsel for the petitioner submits that the amendment granted vide order dated 16.03.2017, almost the entire ancestral property of the petitioner became subject matter of the *lis qua* which the petitioners are in terms of impugned order not entitled to place on record any written statement and thus the petitioners seek one opportunity for filing the same with submissions to the effect that they may be subjected to the terms. Subject to payment of Rs.75,000/- by the petitioners as composite costs to the respondent no.1 on the date 26.07.2018 and subject to the written statement of the petitioner nos. 1 to 10 being filed along with the payment of the costs on the said

date to the respondent no.1/the plaintiff of the Civil Suit No.611556/2016, the written statement of the petitioner nos. 1 to 10 i.e. the defendant nos. 1 to 10 in the Civil suit No.611556/2016 is allowed to be taken on record.

The petition is disposed of accordingly.

The prayer made by the petitioner seeking reduction of the costs imposed hereinabove to a sum of Rs.50,000/- is declined in the circumstances of the case.

**ANU MALHOTRA, J**

**JULY 18, 2018**

**vm**