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

+ CM(M) 1380/2018

M/S ECONOMIC TRANSPORT ORGANISATION LTD

..... Petitioner

Through Mr.D.K. Malhotra, Adv. with
Mr.Rajesh Kr. Malhotra, Adv.

versus

M/S RAGHUNATH BUILDERS PVT LTD Respondent

Through Mr.R.K. Alagh, Adv. with Mr.O.P.
Saxena and Mr.Vinod Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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14.11.2018

CM No. 47305/2018 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CM(M) 1380/2018 & CM No.47304/2018

1. Notice.
2. Mr.R.K. Alagh, Advocate appears on behalf of the respondent and accepts notice.
3. The impugned order dated 27th October, 2018 passed by the Court of learned Additional District Judge-07, Central, Tis Hazari Court, Delhi, is the subject matter of challenge in this petition filed under Article 227 of the Constitution of India, whereby the application of the petitioner/defendant under Order VI Rule 17 CPC read with Section 151 CPC to carry out the amendments in its written statement was dismissed, for the reason that by proposed amendments, the petitioner intends to withdraw its admissions.

4. At this stage, learned counsel for the respondent/plaintiff submits that they have no objection except for heavy cost if the proposed amendments in the written statement are allowed. However, he points out that the application of the plaintiff/respondent under Order XII Rule 6 CPC is pending disposal for about three years and is listed for orders tomorrow.
5. Both the Ld. counsel submit that on application under Order XII Rule 6 CPC, the arguments have been addressed by the learned counsel for the respondent/plaintiff and the petitioner/defendant is given liberty to submit his arguments on 15.11.2018.
6. Keeping in view the facts and circumstances of the case, the amendments sought in the written statement by the application under Order VI Rule 17 CPC are hereby allowed. The amended written statement filed along with application shall be taken on record subject to payment of Rs.50,000/- as cost payable by the petitioner. This is further subject to the condition that the arguments on application under Order XII Rule 6 CPC shall be positively addressed by the petitioner/defendant on 15.11.2018. If the petitioner/defendant intends to file copies of documents, same shall also be filed on 15.11.2018 in support of his defence under Order XII Rule 6 CPC.
7. The petition as well as the application are disposed of accordingly.
8. Copy of this order be given *dasti* under the signature of Court Master.

VINOD GOEL, J.

NOVEMBER 14, 2018

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