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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 132/2019 & CM APPL. 3754-3756/2019
YOGESH KUMAR & ORS Petitioner
Through Mr. Yogesh Swaroop, Adv.

versus

HARISHCHAND GAUTAM Respondent
Through None.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **04.02.2019**

CM APPL. 3755/2019

Exemption allowed subject to all just exceptions.

The application is disposed of.

CM(M) 132/2019 & CM APPL. 3754/2019 & CM APPL. 3756/2019

Initial submissions made on behalf of the petitioner.

The petitioner assails the impugned order dated 25.10.2018 of the Court of learned ADJ-04, (NW), Rohini Courts, Delhi vide which the application under Order 8 Rule 1 CPC that had been filed on behalf of the applicant on 07.06.2018 seeking recalling of the order dated 04.09.2017 was declined and the prayer seeking condonation of delay in filing the written statement was also declined. It is reflected through the impugned order itself that the written statement was not filed on 04.09.2017, the opportunity to file the written statement was closed and previous costs that had been imposed on the defendant had also not been paid. It is indicated through the impugned order that it was submitted on behalf of the defendants that the

written statement was ready on 20.05.2017 but could not be filed as the defendant could not reach the Court in time. The application that has been filed on behalf of the defendant i.e. the petitioner herein under Order 8 Rule 1 CPC reflects the complete laxity on the part of the petitioner in submission of the written statement. The impugned order also reflects the non-payment of the costs imposed vide previous proceedings.

There is no infirmity in the impugned order and there exists no ground for any interference therewith, nor to exercise any discretion in favour of the petitioner.

The petition and the accompanying applications are declined.

ANU MALHOTRA, J

FEBRUARY 04, 2019/MK