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

+ **FAO(OS) 231/2019**

SITA GUPTA

..... Appellant

Through: Mr. Aditya Madan, Ms. Bharti Badesra,
Mr. B. Bhatt, Advocates.

versus

RISHI AGGARWAL & ORS

..... Respondents

Through: Ms. Shubham Mahajan, Advocate for R-
1.
Ms. Purva Kohli, Advocate for R-2.
Mr. Dheeraj Malhotra, Mr. Siddharth
Advocates for R-3.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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04.12.2019

1. This appeal by Defendant No.3 (D3) in CS (OS) 2309 of 2013 is directed against an order dated 14th October 2019 passed by the learned Single Judge dismissing OA No. 117/2019 filed by D3 against an order dated 22nd August 2019 of the Joint Registrar dismissing as not maintainable an application by D3 seeking condonation of delay in filing the written statement.

2. On 22nd November 2019, notice was issued in this appeal limited to the issue of condoning the delay filing the written statement, subject to Appellant depositing Rs.50,000/- in the Registry of this Court. The said amount has since been deposited.

3. The Court has heard the submission of learned counsel for the parties.
4. The Court notes that even the learned Single Judge was prepared to condone the delay if D3 was willing to pay costs of Rs. 50,000.
5. Now that the cost of Rs.50,000/- has been deposited in this Court by D3, the Court directs that the said amount be released forthwith by the Registry in favour of the Respondent No. 1/Plaintiff upon proper identification.
6. The Court is of the view that D3 should be given an opportunity of filing the written statement in the suit. Accordingly it is directed that the written statement already filed by Appellant/D3 which was returned under objection, it will be filed by D3 on or before 10th December, 2019.
7. The Plaintiff/Respondent is permitted to file replication thereto within four weeks thereafter. The suit and the pending applications will proceed in accordance with law thereafter.
8. The impugned order dated 14th October, 2019 passed by the learned Single Judge dismissing OA 117 of 2019 and the order dated 22nd August, 2019 passed by the Joint Registrar declining to condone the delay in D3 filing the written statement are hereby set aside.
9. The appeal is disposed of in the above terms.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 04, 2019/*mr*