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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 4th March, 2020

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CM (M) 149/2019

D D ENTERPRISES

..... Petitioner

Through: None.

versus

DEVENDER ANAND

..... Respondent

Through: Mr. Dilpreet Singh, Advocate.
(M:9810211566)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

CM APPL. 2690/2020 (exemption)

Allowed, subject to all just exceptions. Application is disposed of.

CM APPL. 2689/2020 (recall of order) in CM (M) 149/2019

This is an application seeking recall of order dated 11th December, 2019 passed in this petition.

The ground on which the recall is sought is that the counsel for the Petitioner had made an incorrect statement that he suffered a fracture, which was recorded in paragraph 2 of the said order. Ld. Counsel for the Respondent submits that the counsel was in fact appearing in another matter and thus the statement that he suffered a fracture is incorrect.

Whenever a counsel makes a statement that he is indisposed or as in this case, he had suffered from a fracture, the said statement is not disbelieved by the Court. It is expected that counsels are fair to the Court so that allegations that false statements in respect of their health are being made are not to be investigated by the Court. Such a course of action would

completely make the working of courts impossible as the system functions on the trust reposed by the Court upon counsels.

On a perusal of the previous order it is observed that while the submission on behalf of the Id. counsel that he had suffered a fracture, was noticed by the Court, the primary reason why the delay in filing the written statement was condoned was because the delay was only of a couple of weeks, as recorded in paragraph 3 of the impugned order. Thus, the alleged statement made by the counsel for the Petitioner would not call for recall of the order, inasmuch as the impugned order is not merely predicated on the statement made by the counsel for the Petitioner but on the short period of delay and the written statement has been permitted to be taken on record in view of the costs of Rs.20,000/- which were imposed on the Petitioner, also having been paid.

Accordingly, without making any observation in respect of the alleged incorrect statement made on behalf of the Petitioner, this Court is not inclined to entertain this application.

The application is therefore dismissed.

MARCH 04, 2020

dk/T

PRATHIBA M. SINGH, J.