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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 283/2019 & CM APPL. 7875/2019**

ISHWAR SINGH Petitioner
Through: Mr. Shanul Kadian, Advocate.

versus

ROHTASH & ORS Respondents
Through:

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **14.03.2019**

CM APPL. 7875/2019 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CM(M) 283/2019

The petitioner is aggrieved by the impugned order dated 01.12.2018 of the learned Trial Court of the Court of JSCC/ASCJ/GJ (North West), Rohini Courts, Delhi in CS No.218/18, vide which an application under Order 8 Rule 1 read with Section 151 of the CPC filed by the defendant to the said suit was allowed, subject to payment of cost of Rs.1,000/- with the written statement of the defendant having been allowed to be taken on record.

Learned counsel for the petitioner submits that the said written statement was allowed to be taken on record despite a delay of 121

days in filing of the same, with it having been submitted that despite service of summons for settlement of issues for the date of hearing i.e. 22.02.2018, no appearance having been entered on behalf of the defendant no.1 i.e. the respondent no.1 to the present petition, on subsequent appearance on 22.02.2018, the matter having been adjourned to 23.02.2018 and the matter was referred to mediation but no settlement was arrived at and the proceedings were returned for the date 20.08.2018, on which date the defendant no.1 engaged the counsel who filed the written statement on 19.09.2018.

The impugned order indicates that after the reference of the matter to the mediation centre on 23.02.2018, the matter was referred again to the mediation centre on 18.07.2018 and was returned unsettled on 20.08.2018 on which date the defendant was directed to file the written statement.

In these circumstances, the grant of an opportunity to file the written statement as reflected vide the impugned order dated 01.12.2018 cannot be observed to be any erroneous exercise of jurisdiction warranting any interference in terms of Article 227 of the Constitution of India. The present petition is thus, declined.

ANU MALHOTRA, J

MARCH 14, 2019/NC