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

+ C.R.P. 72/2018 & CM APPL. 14063/2018

PARAMJEET KAUR

..... Petitioner

Through Mr. Amarjeet Singh, Adv.

versus

SITA RANI & ORS

..... Respondents

Through Mr. Pawan Kumar Mittal, Adv. for R-
1 & 2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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04.09.2019

1. Petitioner impugns order dated 29.11.2017 whereby the right to file written statement has been closed and the application seeking condonation of delay in filing Written Statement has been rejected.

2. Learned counsel for the petitioner submits that initially the suit was filed in the High Court and subsequently it was transferred to the District Court. The petitioner had engaged a counsel and given all papers to the counsel for filing of the written statement.

3. It is submitted that the counsel had assured the petitioner that he would take care of the matter and appropriately file the written statement. Subsequently, it transpired that the written statement was not filed and he then asked the petitioner to sign certain papers which were also signed in good faith. It is contended that the petitioner subsequently got to know that an application seeking condonation of

delay was filed and the same was rejected and the written statement was not taken on record and a cost of ₹ 10,000/- was imposed.

4. Learned counsel for the petitioner submits that the petitioner had completely trusted her Advocate and was not aware that the written statement was not filed within time.

5. Learned counsel for the respondent submits that the petitioner has delayed the proceedings substantially and he submits that with a view to expedite the proceedings he is agreeable to one last opportunity being granted to the petitioner subject to terms and further direction that the trial be expedited.

6. In view of the above, impugned order dated 29.11.2017 is set aside. The Written statement stated to have been filed by the Petitioner is taken on record subject to payment of cost of Rs. 15,000/-.

7. Keeping in view of the fact that the Suit was filed in the year 2015 and is pending for about 4 years, the trial court is directed to expedite the proceedings.

8. The petition is disposed of in the above terms.

9. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

SEPTEMBER 04, 2019
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