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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.R.P. 120/2018 & CM APPL. 24502/2018, 43032/2019
MANOJ PAHWA Petitioner
Through Mr. Shailender Dahiya, Advocate

versus

M/S. JAITLEY REALTORS PVT. LTD. Respondent
Through Mr. Manish Makkar, Advocate

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **25.09.2019**

1. Petitioner impugns order dated 15.03.2018 whereby application of the petitioner under Order 18 Rule 1 CPC for placing on record the written statement has been dismissed with cost of ₹ 1000/-.
2. Subject suit was filed by the respondent/plaintiff seeking permanent and mandatory injunction. Petitioner/defendant appeared before the concerned trial court on 03.10.2017 and accepted notice in the Court.
3. Written statement was not filed within a period of 30 days but was filed on 05.12.2017 (i.e. 63rd day) with a delay of 33 days.
4. Subject application under Order 18 Rule 1 CPC had also been filed contending that petitioner was not in town and as such could not file written statement within time.

5. Learned counsel for the respondent submits that the trial court found that the averments made in the application were not correct as the Facebook page of the petitioner showed that the petitioner was in Delhi whereas the contention was that he was not in Delhi.
6. He however, submits that with a view to expedite the proceedings in the Suit filed by the Respondents, he has no objection to the written statement being taken on record subject to terms.
7. In view of the above, the impugned order dated 15.03.2018 is set aside.
8. Subject to petitioner paying cost of ₹ 10,000/-, the written statement already filed by the petitioner before the trial court, shall be taken on record.
9. It is made clear that the cost shall be paid to the respondent/plaintiff on the next date of hearing before the trial court i.e. 30.09.2019.
10. Petition is accordingly disposed of in the above terms.
11. Order *dasti* under signatures of the Court Master.

SEPTEMBER 25, 2019
‘rs’

SANJEEV SACHDEVA, J