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

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Judgment delivered on: 24.09.2020

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CM(M) 1551/2019

NIHARIKA WAHAL

..... Petitioner

versus

GEETA WAHAL & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Ms. Rakhee Gupta, Advocate.

For the Respondent: Mr. F.K. Jha, Gupta, Advocate

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM(M) 1551/2019 & CM APPL.23740/2020 (filed on behalf of petitioner seeking directions)

1. The hearing was conducted through video conferencing.
2. By this application, petitioner seeks stay of the Trial Court proceedings.
3. Learned counsel for the petitioner submits that written statement of the petitioner could not be filed in time because of the incorrect advice given by the previous counsel and accordingly, the

right to file the written statement was closed and the defence was struck off by the impugned order dated 25.07.2019.

4. Learned counsel for the petitioner submits by order dated 05.11.2019 in these proceedings, this Court directed that the cross-examination of plaintiff's witnesses would continue, however, defendant evidence should not commence.

5. Learned counsel for the petitioner submits that without noticing the directions issued by this Court, Trial Court on 07.09.2020 has listed the case for final arguments.

6. Learned counsel for the respondents submits that this is a dispute filed by the mother-in-law seeking possession of the property, the title of which vests in her and on account of the pendency of the present proceedings, the Suit is being delayed. He, however, without prejudice submits that he has no objection to grant of one opportunity to the respondent to file her written statement subject to a direction to the Trial Court to expedite the proceedings.

7. Without going into the merits of the contentions, in view of the concession given by the learned counsel for the respondent, impugned order dated 25.07.2019 is set aside. The Written Statement already filed before the Trial Court is taken on record of the Trial Court.

8. Learned counsel for the petitioner submits that there are certain subsequent developments which need to be incorporated in the Written Statement.

9. Petitioner is permitted to move an application for amendment of the Written Statement to bring on record subsequent events and on such an application being moved, the Trial Court shall consider the same in accordance with law.

10. In view of the nature of the controversy, Trial Court is directed to expedite the proceedings and endeavour to conclude the same within a period of 6 months from today.

11. Parties are directed not to seek unnecessary adjournments from the Trial Court.

12. Petition and all the applications are, accordingly, disposed of.

13. The next date of 12.10.2020 is cancelled.

14. Petition is, accordingly, allowed in the above terms.

15. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SEPTEMBER 24, 2020
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SANJEEV SACHDEVA, J