

\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 76/2020 and CM APPL. 2930/2020, 2931/2020**

SARITA

..... Petitioner

Through: Mr. Manuj Aggarwal and Ms.
Arunima Gupta, Advocates (M:
9818094931).

versus

SHARDA DEVI

..... Respondent

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

%

05.02.2020

1. Advance copy has been served to the Respondent by speed post and SMS intimation is stated to be given to the ld. counsel for the Respondent by ld. counsel for the Petitioner. However, none appears.
2. The present petition challenges the impugned order dated 2nd November, 2019 by which the right to file the written statement was closed and the defence was struck off. The matter is now stated to be listed for Plaintiff's evidence on 13th February, 2020.
3. Suit for possession was filed by Respondent herein/Plaintiff - Smt. Sharda Devi (*hereinafter 'Plaintiff'*) seeking possession, *mesne* profits, mandatory and permanent injunction against her daughter-in-law - Smt. Sarita i.e. the Petitioner herein/Defendant (*hereinafter 'Defendant'*) in respect of the first floor of property bearing No. 280, VPO Ghevra, Nizampur, Rashidpur, Delhi- 110081. It is the admitted position that the summons were served on 19th June, 2019 on the Defendant. On the first appearance i.e. 27th July, 2019, the Defendant sought time to engage counsel

and file the written statement. On the returnable date, i.e. 30th September, 2019 the written statement was not filed. Parties were referred to the mediation cell in the Rohini Courts. Thereafter, on 2nd November, 2019 - the next date in the matter, as the mediation had failed, the counsel submits that the written statement was prepared, however, the same was not allowed to be filed and the defence was struck off by the impugned order.

4. Considering the submissions made and the fact that the dispute is between the mother-in-law and the daughter-in-law and the Defendant is stated to be living with her parents outside the matrimonial home, she is permitted one last opportunity to file the written statement subject to payment of Rs. 10,000/- as costs to the Plaintiff. The same shall be tendered on 13th February, 2020, the date already fixed. Subject to the costs being tendered, the written statement shall be taken on record.

5. The petition with all pending applications is disposed of.

PRATHIBA M. SINGH, J.

FEBRUARY 05, 2020
MR/A.S.