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

+ **CM (M) 122/2020**

PRESIDENT OF DSGMC Petitioner
Through: Mr. Harshbir Singh Kohli, Advocate.
(M:9810658944)
versus

VEER SINGH Respondent
Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **03.02.2020**

CM APPL. 4100/2020 (exemption)

1. Allowed, subject to all just exceptions. Application is disposed of.

CM (M) 122/2020 & CM APPL. 4101/2020 (stay)

2. Advance copy of the petition is stated to have been served upon the Respondent/Plaintiff (*hereinafter 'Plaintiff'*) and Id. Counsel submits that he has informed the Respondent telephonically as well. However, none appears for the Plaintiff.

3. The Plaintiff - Mr. Veer Singh has filed a petition under Section 32 of the Delhi Sikh Gurdwaras Act, 1971 seeking reliefs that he should be continued in service. The suit is pending before the Court of the ADJ (*'Trial Court'*). On 13th May, 2019, 30 days' time was granted to file the written statement. It is the case of the Petitioner/Defendant (*hereinafter 'Defendant'*) that the written statement was got attested on 28th May, 2019 and was handed over to the junior counsel, working in the chambers of the main counsel. The main counsel was under the impression that the written

statement had been filed, however, when the file was checked prior to the next date i.e. in mid-October, 2019, it was realised that the original written statement was lying in the file of the counsel itself and the junior counsel who was given the charge of filing the written statement, had left the chambers of the main counsel.

4. The Defendant moved an application under Order VIII Rule 1 CPC seeking permission to file the written statement, which was, however, rejected by the Trial Court.

5. The submission of ld. counsel for the Defendant is that there was no intention to delay the filing of written statement and in any case, it was because of a mistake of a junior counsel within the counsel's chambers that the written statement was not filed on record.

6. The Court has perused the written statement and it is clear that the written statement was attested on 28th May, 2019. There is no reason to disbelieve the fact that the written statement was inadvertently or due to a mistake of the junior counsel, not filed. In any event, on the next date i.e. 21st October, 2019 itself, the written statement had been tendered before the Court. Under these circumstances, the written statement is taken on record, subject to payment of Rs.10,000/- as costs to the Plaintiff. The costs shall be paid on or before the next date in the Trial Court. If the Plaintiff is aggrieved by this order, he is permitted to approach this Court.

7. The petition along with the pending application is disposed of in the above terms.

PRATHIBA M. SINGH, J.

FEBRUARY 03, 2020/dk/A.S.