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

% Judgment delivered on: 22nd September, 2020

+ CM(M) 419/2020& CM APPLN. 19265/2020

SH. BHIM SAIN ARORA

..... Petitioner

versus

SMT RAM KALI GUPTA

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Ms. Neha Kapoor, Advocate

For the Respondent : Mr. Shailendra Dahiya, Advocate
Ms. Kusum Dhalla, Addl. PP for the State

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. The hearing was conducted through video conferencing.
2. Petitioner impugns order dated 23.12.2019 whereby the right of the petitioner to file written statement has been closed and the application under Order VIII Rule 1 CPC dismissed.
3. Respondent had filed the subject Suit for recovery contending that he had given a friendly loan to the petitioner through banking transactions and since the loan was not repaid subject Suit was filed.
4. Petitioner was served in the Suit on 05.08.2019. On 13.09.2019,

petitioner contended before the trial court that he had not received the complete legible paper book. Accordingly, directions were issued to the respondent to provide a complete set of paper book and to petitioner to file the written statement within 30 days.

5. As per the petitioner, petitioner was arrested on 14.10.2019 and the Laptop of the petitioner was seized. Subject application was filed by the petitioner contending that since the Laptop contained all detail of transactions was seized, he was not in a position to file the Written Statement and as per his memory entire amount had been refunded.

6. Learned counsel for the respondent submits that it was a simplicitor loan transaction and in case there was any payment of money, the same would have been reflected in the bank account of the petitioner.

7. Learned counsel appearing for the petitioner submits that another reason for failure to file written statement was that Petitioner was incarcerated and he has now been granted bail by the Court and has been released. He accordingly prays that one opportunity be granted to the petitioner to file written statement subject to terms.

8. Learned counsel for the respondent prays that though there is no ground to enlarge the time, however, keeping in view of the expeditious disposal of the Suit, he has no objection in granting further time to the petitioner to file written statement subject to cost.

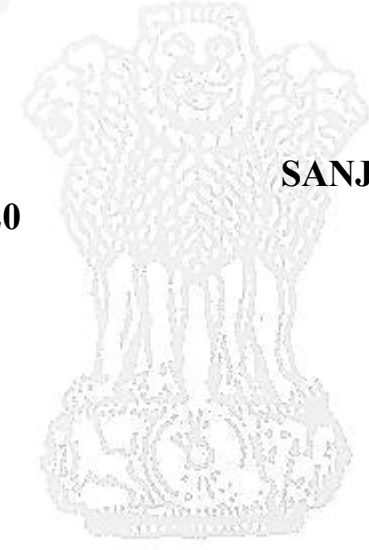
9. In view of the above, order dated 23.12.2019 is set aside. Petitioner is granted 30 days' time to file Written Statement subject to payment of cost of Rs. 20,000/- to be paid to the respondent within 30 days from today.

10. Petition is allowed in the above terms.

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

SANJEEV SACHDEVA, J

SEPTEMBER 22, 2020
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