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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1280/2019 & CM APPL. 38773/2019**
POONAM @ HINA Petitioner

Through: Mr. Mayank Khurana, Advocate (M-9990990891)

versus

HEM LATA Respondent

Through: Mr. Pradeep Kataria, Advocate (M-9953909002)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **26.02.2020**

1. A suit for possession was filed by the Respondent/Plaintiff – Smt. Hem Lata against her daughter-in-law and son –Smt. Poonam and Sh. Rajeev Kherwal. The son was Defendant No.1 and the daughter-in-law i.e. the Petitioner herein was Defendant No.2. On 20th March, 2018, due to non-filing of the written statement, the defence of the Defendant No.2 was struck off. It is submitted that the matter is a domestic dispute between the mother-in-law and daughter-in-law. On the very first date itself, such an order was passed and thereafter despite filing of an application under Order VIII Rule 1 CPC, Defendant No. 2 has not been permitted to file the written statement. The suit in respect of the son – Defendant No.1 already stands withdrawn in view of the statement recorded on 20th March, 2018 by the Plaintiff.
2. Ld. counsel for the Plaintiff submits that the application under Order VIII Rule 1 CPC was rejected by the Trial Court on 6th June, 2019 and the

said order has not been challenged.

3. The Court has perused the impugned order dated 20th March, 2018 as also the order dated 6th June, 2019. It is clear from the facts on record that on the very first date when summons were returnable, i.e. within the period of 90 days itself, the right to file the written statement was closed.

4. Considering this, and the fact that this is a domestic dispute between family members, Defendant No. 2 is permitted to file the written statement, as last and final opportunity, within a period of two weeks from today. The same, if filed, shall be taken on record and the suit shall proceed in accordance with law.

5. With these observations, the petition and all pending applications are disposed of. No further orders are called for.

PRATHIBA M. SINGH, J.

FEBRUARY 26, 2020

Rahul