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

+ **CM(M) 1444/2019 & CM APPL. 43735/2019**

SUNDAR KUMAR JAIN

..... Petitioner

Through: Mr. Abhimanyu Singla, Advocate
(M-9213747012)

versus

YOGESH ARORA & ORS

..... Respondents

Through: Mr. Karan Sharma, Standing Counsel
with Mr. Mohit Siwach, Advocate for
R-3 along with Mr. Anil Kumar, A.E.,
SDMC (M-9643797717)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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05.02.2020

1. After some hearing, ld. counsel for the Petitioner submits that the SDMC's written statement is totally belated and is late by more than two and a half years. The SDMC was served in 2016 but the written statement was filed in 2018.
2. Ld. counsel for the SDMC submits that the status report by the SDMC was filed sometime in 2017 itself and the written statement was thereafter filed. The same was taken on record after advance copy was served to the Petitioner. This is disputed by the Petitioner who submits that it was filed only after an Order VIII Rule 10 CPC application was filed by the Petitioner.
3. Considering that considerable time has already lapsed in this matter

and the suit is proceeding before the Trial Court, the written statement is directed to be taken on record subject to payment of costs of Rs.10,000/- to the Petitioner. The costs shall be tendered on or before next date before the Trial Court. Only subject to payment of costs, the written statement shall be retained on record.

4. The petition is disposed of with these terms. All pending applications are also stand disposed of.

PRATHIBA M. SINGH, J.

FEBRUARY 05, 2020

Rahul