

\$~9 & 10

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

+ **CM(M) 722/2018 & CM APPL. 25894/2018**

NEELAM

..... Petitioner

Through: Ms. Suganadha Anand and Mr.
Surinder Anand, Advocates.
(M:9818620297)

versus

RAM DASS SAGAR

..... Respondent

Through: Mr. Anand Prakash, Advocate.
(M:9891465976)

WITH

+ **CONT.CAS(C) 68/2019**

NEELAM

..... Petitioner

Through: Ms. Suganadha Anand and Mr.
Surinder Anand, Advocates.

versus

RAM DASS SAGAR & ORS

..... Respondents

Through: Mr. Anand Prakash, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

%

15.01.2020

CM(M) 722/2018 & CM APPL. 25894/2018

1. The Petitioner/Defendant (*hereinafter* 'Defendant') is aggrieved by the impugned order dated 8th June, 2018 by which the Defendant's right to file the written statement had been closed. The contention of the Defendant is that the summons was served on the Defendant only on 4th May, 2018 and the Defendant was travelling abroad. She returned on 31st May, 2018 and got the written statement prepared on 7th June, 2018. Her lawyer reached the Court on 8th June, 2018 but lawyers were on strike and he could enter the premises only around noon. By that time, the impugned order was passed

and the right to file the written statement was closed.

2. Ld. counsel for the Respondent submits that after the summons were served on 4th May, 2018, as per the Defendant herself - she left India only on 19th May, 2018, thus she had enough time to prepare the written statement.

3. A perusal of the record shows that the summons itself permitted the written statement to be filed within four weeks. The time provided by CPC for filing the written statement is 30 days. Copy of the written statement which is stated to be prepared has been placed on record and the same shows that it was attested on 7th June, 2018. Even if the period from 4th May, 2018 is calculated until 7th June, 2018 only a period of 33 days has elapsed. Thus, this is a fit case for allowing the written statement to be taken on record.

4. Moreover, in this case on both dates i.e, 9th May, 2018 as well as 8th June, 2018 admittedly lawyers were on strike. In the overall facts and circumstances, it is directed that the written statement shall be taken on record. The suit shall now proceed further in accordance with law.

5. With these observations the petition and all pending applications are disposed of.

CONT.CAS(C) 68/2019

6. Ld. counsel for the Petitioner submits that he seeks permission to withdraw the contempt petition with liberty to avail of his liberties before the Id. Trial Court. Dismissed as withdrawn with liberty as prayed for.

PRATHIBA M. SINGH, J.

JANUARY 15, 2020

dj