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

+ C.R.P. 109/2022, CM APPL. 34421/2022

FARAH NAAJ

..... Petitioner

Through: Mr. Wasiq Khan and Mr. Taslim
Ahmad, Advocates.

versus

ALI HASAN & ORS.

..... Respondents

Through: Mr. A. Jain, Adv. for R-1 to 3.

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Date of Decision: 18th August, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present revision petition has been filed challenging the impugned order dated 9th May, 2022, whereby the right of the petitioner-defendant to file written statement was closed and defence of the petitioner-defendant was struck off and the application under Order 39 Rules 1 & 2 CPC was allowed by the learned Additional District Judge-02, Shahdara, Karkardooma Courts.
2. Learned counsel for the respondent Nos. 1 to 3 has very graciously submitted that the petitioner-defendant may be permitted to file written statement subject to heavy cost.



3. In view of the submissions made, the order dated 9th May, 2022 is set aside with the following directions:
 - a) The delay in filing the written statement by the petitioner-defendant stands condoned subject to the cost of Rs.5,000/-.
 - b) The learned Trial Court shall decide the application under Order 39 Rules 1 & 2 CPC afresh after taking into account the pleadings of the parties.
4. Learned counsel for the petitioner has submitted that the written statement has already been filed. The learned Trial Court is directed to take the same on record.
5. Learned counsel for the respondent has submitted that in fact, the petitioner has also violated the status quo order and he shall move an appropriate application for the same.
6. With these observations, the present revision petition along with pending application stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 18, 2022

Pallavi