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

Date of decision: 17.10.2023

+ CM(M) 398/2023 CM APPL. 11895/2023 CM APPL. 43114/2023

ANJANA SINGH

..... Petitioner

Through: Mr Ishan Sanghi and Ms. Poorvashi
Kalra Advocates, along with
Petitioner in person

versus

JINU PRAKASH

..... Respondent

Through: Mr. Vikas Chadha, Mr. Anil Kumar
and Mr. Rahul Saini, Advocates

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

1. This petition filed under Article 227 of the Constitution of India impugns the order dated 21.01.2023 passed by the Additional District Judge, 01, South West, Dwarka District Court ('Trial Court') in CS DJ no. 785/2022 titled as "**Jinu Prakash vs. Anjana Singh**" whereby, the Trial Court struck off the defence of the Petitioner herein on the ground that the stipulated period for filing written statement had already expired.

1.1. The Petitioner is the defendant and the Respondent is the plaintiff in the suit filed for recovery/restoration of possession, permanent injunction and recovery of money.

2. The learned counsel for the Respondent states that in the facts of this



case no interference is merited with the impugned order dated 21.01.2023.

2.1. He states that the Petitioner has deliberately delayed filing the written statement.

2.2. He states that in fact in the year, 2020, the petitioner had given an undertaking to vacate the property bearing Flat No.15, B- 47/2, Major Bhola Ram Enclave, Village Pochampally Pur, Sec-23, Dwarka, New Delhi ('suit property') and has thereafter resiled from the same.

2.3. He states however, in the interest of expediting his eviction proceedings before the Trial Court, he has no objection if the written statement is allowed to be taken on record subject to strict terms.

3. In reply, the learned counsel for the Petitioner states that Petitioner gives an undertaking to this Court that she will be duly represented before the Trial Court through counsel on each date so as to enable expeditious disposal of the proceeding.

4. In the aforesaid facts the following directions are passed with the consent of the parties.

4.1. The Petitioner shall pay cost of Rs. 30,000/- to the Respondent within two (2) weeks.

4.2. The written statement of the Petitioner alongwith affidavit of admission/denial of documents will be filed within two (2) weeks.

4.3. The Respondent will file the replication alongwith documents, if any within 2 weeks thereafter, subject to receipt of costs.

4.4. The Petitioner's undertaking at paragraph 3 is taken on record and she is bound down to the same.

5. The Petitioner is present in Court and the learned counsel for the Petitioner states that the aforesaid conditions are acceptable to the Petitioner



and she will adhere to them. He states he has taken instructions from her before making the submission.

6. It is clarified that the aforesaid liberty has been granted to the Petitioner by way of last opportunity and if she fails to avail this opportunity then the order of the Trial Court dated 21.01.2023, shall come into operation.

7. After filing its replication, the Respondent herein will be at liberty to approach the Trial Court for advancing the date of hearing for the purpose of settlement of issues.

7.1. The Respondent will also be at liberty to move an appropriate application for enhancement of rent before the Trial Court and the said application will be decided in accordance with law.

8. With the aforesaid direction present petition is disposed of with the consent of the parties. Pending applications, if any, stands disposed of.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 17, 2023/hp/asb

Click here to check corrigendum, if any