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

Date of decision: 22.09.2023

+ **CM(M) 1566/2023 & CM APPLs. 49356/2023, 49357/2023**

RAJESHWAR NATH KAUL

..... Petitioner

Through: **Mr. Aditya Gaur and Mr. Mahesh
Kumar Sogra, Advocates**

versus

JAGBIR SINGH

..... Respondent

Through: **Appearance not given**

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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):

CM APPL. 49357/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1566/2023 & CM APPL. 49356/2023

1. This petition filed under Article 227 of the Constitution of India impugns the order dated 10.08.2023 passed by ASCJ/JSCC/GJ, Saket Courts, New Delhi ('Trial Court') in CS SCJ 213/2021, **Rajeshwar Nath Kaul v. Jagbir Singh**, allowing an application filed by the Respondent under Order VIII Rule 1 of the Code of Civil Procedure, 1908 ('CPC') and permitting the written statement of the Respondent to be taken on record.

1.1 The Petitioner is the plaintiff and the Respondent is the defendant before the Trial Court in the suit.



2. The learned counsel for the Petitioner states that he is aggrieved by the laxity shown by the Respondent in conducting the matter so far before the Trial Court and he states that he apprehends that in view of the indulgence shown to the Respondent he will continue to further delay the trial proceedings.

2.1 He states, after some arguments, that Petitioner is seeking the limited relief that the Trial Court be requested to hear the matter and decide the same expeditiously and not grant any unnecessary adjournments to the Respondent.

3. This Court has heard the learned counsel and perused the record.

4. This Court is not inclined to interfere in the exercise of discretion of the Trial Court in permitting the written statement to be taken on record; although it is evident from the record that the Respondent has taken multiple adjournments before the Trial Court for completing the requirement of filing the written statement within the statutory period.

5. In the facts of this case, the Trial Court is requested to exercise its jurisdiction under Order 17 CPC and not grant any unnecessary adjournments to the Respondent.

6. With the aforesaid directions, the present petition is disposed of.

7. Pending application stands disposed of.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 22, 2023/msh/sk

Click here to check corrigendum, if any