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

Date of decision: 11.12.2023

+ CM(M) 1670/2023 & CM APPL. 53096/2023

SATYA PRAKASH

..... Petitioner

Through: Ms. Sumedha Dua with Ms. Taniya
Madaan, Advocates

versus

RAMVEER

..... Respondent

Through: Mr. Rajneesh Kumar and Mr. S.S.
Rawat, 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 14.08.2023 passed by ADJ-01, Shahdara, Karkardooma Court, Delhi ('Trial Court') in CS No. 63/2023, titled as **Ramveer v. Satya Prakash**, dismissing an application filed by the Petitioner herein i.e., defendant under Order VIII Rule 1, of the Code of Civil Procedure, 1908 ('CPC') read with Section 5 of the Limitation Act, 1963, seeking condonation of delay of 43 days in filing the written statement.

2. It is admitted on record that the Petitioner was served with the summons on 06.05.2023 and has filed his written statement along with documents on 15.07.2023 albeit with the delay of 43 days.



3. The learned counsel for Respondent has entered appearance and states that subject to payment of costs and Petitioner being put to strict terms further participation in the trial in the petition be allowed.

4. Accordingly, with the consent of the parties, the following directions are being issued:

- i. The Petitioner will pay costs of Rs. 7,500/- to the Respondent within a period of two (2) weeks from today.
 - ii. The Petitioner will file the affidavit of admission/denial of documents filed with the plaint within two (2) weeks.
 - iii. Subject to receipt of costs and the affidavit, the Respondent will file his replication and affidavit of admission/denial of documents filed with the written statement within four (4) weeks thereafter.
 - iv. The Petitioner undertakes to remain duly represented before the Trial Court on each date of hearing and would not seek any unnecessary adjournment. The said undertaking is taken on record and the Petitioner is bound down to the same.
 - v. The learned counsel for the Petitioner states all documents on which the defendant i.e., the Petitioner herein places reliance upon has been filed with the written statement which are in his possession.
5. It is directed that if the Petitioner complies with the aforesaid terms at (i) and (ii) with the timelines set out hereinabove, the Petitioner's written statement and affidavit on admission denial shall be taken on record in supersession of the order dated 14.08.2023.
6. It is directed that if there is a default by the Petitioner in complying with direction at (i) and (ii) the opportunity granted by this Court shall be forfeited and the order dated 14.08.2023 shall becoming binding and operate



between the parties.

7. With the aforesaid directions, the present petition stands disposed of.
Pending applications stand disposed of.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 11, 2023/msh/sk

Click here to check corrigendum, if any