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

+ C.R.P. 44/2024

SARVESH BISARIA

.....Petitioner

Through: Mr. Rajiv K. Garg and Mr. Ashish
Garg, Advocates with petition in
person.

versus

NARESH HEM RAJANI

.....Respondent

Through: Mr. Deepak Dahiya and Mr. Lalit and
Mr. Gautam Mehlawat, Advocates.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

11.09.2024

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CM APPL. 53156/2024 (delay)

1. The captioned application has been filed seeking condonation of delay in filing reply.
2. For the sufficient cause being shown in the applications, the delay of 18 days in filing the reply is condoned. Reply is taken on record.
3. The application stands disposed of.

C.R.P. 44/2024 & CM APPL. 6630/2024 (stay)

4. Learned counsel appearing on behalf of the parties fairly conceded that the Trial Court *vide* order dated 19th December, 2023, while allowing the leave to defend to the defendant in Civil Suit bearing number 557 of 2019 has not considered the admitted delay in filing the leave to defend.
5. Learned counsel appearing on behalf of the parties submitted that



while setting aside the impugned order, the matter may be remanded back to the Additional District Judge-01, West, Tis Hazari Courts, Delhi to consider the right to leave to defend after considering and adjudicating the delay on the part of the defendant in filing the leave to defend.

6. Heard learned counsel appearing on behalf of the parties and perused the contents made in the petition as well as the order impugned.

7. This Court is inclined to allow the prayer as made by the learned counsel appearing on behalf of the parties. The impugned order dated 19th December, 2023 is set aside. The matter is remanded back to the Additional District Judge-01, West, Tis Hazari Courts, Delhi with a direction to take into consideration the delay in filing the leave to defend and adjudicate first the delay and thereafter consider the defendant's right of leave to defendant on merits in accordance with law expeditiously, preferably within a period of three weeks from the date of submission of the order.

8. Accordingly, the petition is disposed of alongwith pending applications, if any.

CHANDRA DHARI SINGH, J

SEPTEMBER 11, 2024

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Click here to check corrigendum, if any