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

% *Date of decision' 13th August, 2024*

+ CM(M) 1998/2024 & CM APPL. 12621/2024

HARI CHAND & ORS.

.....Petitioner

Through: Mr. Raj Kumar and Mr. Pradeep
Sharma, Advocates.

versus

VIJAY RANI

.....Respondent

Through: Mr. Mahmood Hasan, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners are defendants before the learned Trial Court and are aggrieved by order dated 01.11.2022.
2. The written statement was filed by all of them before the learned Trial Court and the copy of such written statement has also been made part of the present petition.
3. Fact, however, remains that the written statement was not filed within the permissible time and when an application was moved by them seeking condonation of delay in filing the written statement, since, they had failed to show a sufficient cause in this regard, the learned Trial Court dismissed the above said application. It is also clear from the record that they had also moved an application praying that the ex-parte order dated 06.05.2022 may



also be set aside. Such request was also declined by the learned Trial Court.

4. This is how the defendants are before this Court by filing the present petition under Article 227 of Constitution of India.

5. During course of the arguments, Mr. Hasan, learned counsel for the respondent/plaintiff has stated that though, no justifiable reason has been supplied by the defendants as to why they could not file the written statement in time and as to why they did not defend the matter in the desired manner, he would have no objection, if without prejudice to his rights and contentions, they are permitted to participate in the proceedings and the written statement filed by them is taken on record as well.

6. Keeping in mind the overall facts and circumstances of the case, the fact that the suit merely seeks permanent injunction and in view of the aforesaid gracious concession given by Mr. Hasan, learned counsel for respondent/plaintiff, the present petition is disposed of with the direction that the ex-parte order passed against the defendants is set aside and the written statement filed by them is deemed to be taken on record. However, for causing delay in the matter, they are burdened with cost of Rs. 20,000/- which they shall clear on the next date of hearing before the learned Trial Court which is stated to be 23.08.2024.

7. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 13, 2024/sw