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

+ **C.R.P. 87/2024**

GURBACHAN SINGH

..... Petitioner

Through: Mr. Kuldip Babbar, Adv.

versus

PARAMJIT KAUR & ANR.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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01.03.2024

CM APPL. 13016/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

C.R.P. 87/2024 and CM APPL. 13015/2024 (Stay)

3. The petitioner, who is defendant No.2 in the suit pending before the learned Trial Court, is assailing the impugned order dated 20.12.2023 whereby his right to file written statement was closed.
4. Having heard learned counsel for the petitioner, it is evident from a bare reading of the order dated 20.12.2023 that the summons were served upon the petitioner/defendant No.2 on 14.09.2023 and written statement had not been filed within 90 days. The matter was then posted for hearing on 09.02.2024.
5. It appears that there was a delay on the part of defendant No.1, who is respondent No.2 in the present matter, in filing his written statement. However, an application under Order VIII Rule 1 CPC was



moved and considering the age of the defendant No.1, the learned Trial Court condoned the delay in filing the written statement. However, no application was moved on behalf of the petitioner/defendant No.2 seeking condonation of delay in terms of Order VIII Rule 1 CPC.

6. After some arguments, learned counsel for the petitioner submits that he may be given liberty to move an application before the learned Trial Court and seek condonation on grounds of equity.

7. Therefore, the present civil revision petition is dismissed as withdrawn with liberty to the learned counsel for the petitioner to move an appropriate application before the learned Trial Court which be decided as per law.

8. The pending applications are also disposed of accordingly.

DHARMESH SHARMA, J.

MARCH 1, 2024

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