



2024:DHC:7382



\$~90

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 23th September, 2024***+ **CM(M) 801/2023****RAJESH KUMAR SAINI**

.....Petitioner

Through: None.

versus

SMT. NEETU SAINI

.....Respondent

Through: Mr. Nitin Jain, Advocate
(through V.C.)**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)****CM(M) 801/2023 & CM APPL. 55614/2024 (early hearing)**

1. The present application, seeking early hearing, has been filed from the side of the respondent/plaintiff on the ground that because of the fact that further proceedings are not continuing before the learned Trial Court, the entire suit is getting delayed.
2. Respondent Ms. Neetu Saini has filed a suit seeking declaration, injunction, possession and damages against her estranged brother-in-law (*Jeth*).
3. During pendency of the above said suit, though the written statement had been filed but since there was a delay of 110 days in filing such written statement, the learned Trial Court, observing that no justifiable reason had been given explaining the aforesaid delay,



dismissed her application seeking condonation of delay and, resultantly, the written statement was directed to be taken off the record.

4. When the present petition was earlier taken up by this Court on 15.05.2023, there was a direction to the learned Trial Court to defer the proceedings, the present application has been moved seeking early hearing.

5. The next date before this Court is 06.02.2025.

6. Sh. Nitin Jain, learned counsel for the respondent/plaintiff, who appears through video conferencing, states that though the petition does not disclose any justifiable reason yet in order to ensure that there is no further delay in his own suit, he would have no objection if the present petition is allowed, *albeit*, subject to imposition of some reasonable cost. He makes such contention while reserving his rights and contentions.

7. There is no appearance from the side of the petitioner despite advance notice.

8. Keeping in mind the above, the date is preponed and matter has been heard today itself.

9. The parties are closely related to each other.

10. It is also noticed that when the application was moved by the defendant seeking condonation of delay, the prime reason for delay was



2024:DHC:7382



cited as some medical exigency.

11. Be that as it may, keeping in mind the overall facts and circumstances of the case and also the concession given by the learned counsel for the respondent, the present petition is allowed with the direction that the written statement would be deemed to be taken on record. However, for causing delay in the matter, the petitioner would not only clear the unpaid cost, if any, but would also pay a further cost of Rs.10,000/- on or before the next date of hearing before the learned Trial Court.

12. The next date of 06.02.2025 is cancelled.

13. The petition stands disposed of in the aforesaid terms. Registry is directed to send copy of this order to petitioner through electronic mode.

(MANOJ JAIN)
JUDGE

SEPTEMBER 23, 2024/st