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

% Date of decision: 05th July, 2024

+ CM(M) 2368/2024 & CM APPL. 22822/2024

MAULANA ABDUL SUBHAN

.....Petitioner

Through: Ms. Anjna Masih, Advocate.

versus

MOHD. OMAR FARIDI (SINCE DECEASED THROUGH L.R.

MOHD. MOHIUDDIN)Respondent

Through: Mr. Anil Panwar with Mr. Deepanjali Choudhary, Advocates with Mohd. Mohiuddin.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. It happens to be a petition under Article 227 of constitution of India for setting aside the impugned order dated 23.02.2024 whereby, the defence of the petitioner, who happens to be defendant before the learned Trial Court, has been struck off.
2. During the course of arguments, learned counsel for the respondent-Mohd. Omar Faridi, on instructions, states that he does not want to prolong this matter any further and would have no objection if the permission is granted to the petitioner to defend the matter. However, at the same time it is submitted that the petitioner be directed not to seek any unnecessary adjournment in future.
3. He also states that in addition to the above, keeping in mind the time taken by the petitioner in filing written statement before the learned Trial



Court, his client should be suitably compensated.

4. Keeping in mind the factual matrix and also keeping in mind the concession given by the learned counsel for respondent, the impugned order is set aside and petitioner is consequently held entitled to defend the suit in question.

5. However, for causing delay in the matter, the petitioner is burdened with a cost of Rs.50,000/- to be paid to the opposite side before the learned Trial Court on the next date of hearing.

6. Petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 5, 2024/SW