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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 22nd October, 2024***

+ CM(M) 987/2023 & CM APPL. 62217/2024
THE VICE CHAIRMAN DELHI DEVELOPMENT AUTHORITY
.....Petitioner
Through: Mr. Vrinda Kapoor, Ms. Saumya Soni
and Mr. Vishal Vaid, Advocates

versus
GAGAN MARWAH & ORS.Respondent
Through: Ms. Akanksha Kapoor & Mr. Avinash
Sharma, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

CM(M) 987/2023 & CM APPL. 62217/2024 (early hearing)

1. Petitioner-Authority i.e. Delhi Development Authority (DDA) is defending a suit for declaration filed by respondent herein.
2. Though, written statement had been filed by the DDA during the pendency of the aforesaid suit but it was with a delay of 212 days.
3. It accordingly moved an application seeking condonation of delay.
4. Learned Trial Court considered the aforesaid application and vide order dated 25.02.2023 dismissed the same. Resultantly, such written statement was directed to be taken off the record.
5. Such order is under challenge.
6. An application has now been moved from the side of respondent seeking early hearing of the aforesaid petition as because of the pendency of the present petition, there is no further progress in the suit.
7. When asked, learned counsel for respondent herein has, very fairly, submitted that, without prejudice to her rights and contentions and in order



to ensure that there is no further delay in her suit, she would have no objection if the written statement is directed to be taken on record, *albeit*, subject to imposition of heavy cost.

8. The Court has also gone through the reason assigned by the defendant-DDA for delay in submitting the written statement. Primarily, it seems that delay has taken place because of procedural formalities within the authority.

9. Though defendant-Authority should have ensured that the written statement had been filed within the stipulated period and merely because it is a government department, it cannot expect any special favour from the Court but keeping in mind the overall facts of the case and in view of the concession given by the learned counsel for respondent/plaintiff, petition is allowed and written statement is directed to be taken on record.

10. Next date before the learned Trial Court is reported to be 06.11.2024 and for belated filing of written statement, defendant-Authority is burdened with cost of Rs. 20,000/- which shall be paid to the plaintiff on the aforesaid date.

11. It is expected that during further trial, defendant-Authority does not seek any unnecessary adjournment from the learned Trial Court so that learned Trial Court is in a position to dispose of the aforesaid suit as expeditiously as possible.

12. Next date stands cancelled.

13. Petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

OCTOBER 22, 2024/dr