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

+ C.R.P. 226/2023 and CM APPL. 10681/2024 (For impleading Smt. Reena Sharma as respondent No.2) and CM APPL. 10683/2024 (For stay of proceedings before the learned Trial Court)

MAHESH

..... Petitioner

Through: Mr. Mahesh V. Subhash Bhagat
and Ms. Priyanka B. Anand,
Advs. for revisionist.

versus

SUBHASH BHAGAT

..... Respondent

Through: Mr. Gaurav Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

21.02.2024

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1. This hearing is being conducted through hybrid mode.
2. CM APPL. No. 10681/2024 is moved on behalf of the applicant/petitioner seeking impleadment of Smt. Reena Sharma as respondent No.2 in the pending proceedings before the learned Trial Court, who is the wife of respondent No.1.
3. No reasons are advanced as to how come the said party, which is sought to be impleaded is a necessary party to the proceedings.
4. Anyhow, on hearing the CM APPL. No. 10683/2024 which is moved on behalf of the applicant/petitioner for stay of the proceedings before the learned Trial Court and having heard the learned counsel for the respondent who is present on advance notice, I proceed to decide the revision petition itself.
5. The long and short of the matter is that the learned Trial Court vide impugned order dated 04.07.2023 declined to condone the delay



for filing of the written statement and the application under Order VIII Rule 1 CPC of the petitioner/defendant was dismissed.

6. Evidently there was a delay of 135 days in filing the written statement. Only a lame excuse is taken by the learned counsel for the petitioner/defendant that the previous counsel was not protecting the interest of the petitioner in a professional manner and he failed to intimate him that the written statement was to be filed within a statutory period.

7. It has become a common practice at the Bar to advance such frivolous pleas blaming previous counsels for the non-compliance of provisions of law. This practice has to be deprecated. There are no grounds to interfere with the impugned order dated 04.07.2023 which does not suffer from any illegality or perversity.

8. Hence, the present civil revision petition is dismissed. All the pending applications are also disposed of.

9. The date already fixed before the Joint Registrar i.e. 30.04.2024 stands cancelled.

10. Copy of this order be sent to the learned Trial Court for information and necessary compliance.

DHARMESH SHARMA, J.

FEBRUARY 21, 2024

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