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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.R.P. 232/2024**

SARITA GUPTA

.....Petitioner

Through: Mr.____, Advocate (Appearance not given)

versus

SAVITRI GUPTA (DECEASED) THROUGH HER LRS.

.....Respondent

Through: Mr.____, Advocate (Appearance not given)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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05.08.2024

CM APPL. 43954/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

C.R.P. 232/2024 & CM APPL. 43953/2024 (Stay)

1. The instant civil revision petition under Section 115 of the Code of Civil Procedure, 1908 has been filed on behalf of petitioner seeking the following reliefs:-

“(a). to set aside the impugned order dated 03-05-2024 of striking of defense of revisionist passed in CS/DJ/7180 by Sh. Sunil Beniwal, ADJ-06(South) Saket Courts, Delhi and her amended written statement may be taken on record by the Ld. Trial Court in the interest of justice;

(b). to set aside the impugned order appointing Ms. Hena Lamba, Advocate Enrollment No. D/ 1883/ 2005 Chamber No.805, Lawyers Block, Saket District Court Complex, New Delhi-110017, Mobile No.9818489802.

Or any other order which this Hon'ble Court deems fit and



proper in the facts and circumstances of the case.”

2. After some length of arguments, learned counsel appearing on behalf of the petitioner, on instructions, does not press the instant writ petition on merits and seeks an innocuous prayer that a direction may be given to the learned Trial Court to reduce the cost imposed upon her for taking the written statement on record. Furthermore, learned counsel appearing on behalf of the petitioner does not press Prayer (b) made in the instant revision petition and prays for leave to take all the arguments on merits before the learned Trial Court at an appropriate stage.

3. *Per Contra*, learned counsel appearing on behalf of respondents No.2 to 5 vehemently opposed the instant petition, but has no objection to the innocuous prayer made on behalf of the petitioner.

4. Heard learned counsel for the parties and perused the record.

5. After perusal of the record, contentions made in the petition as well as the innocuous prayer made on behalf of the petitioner and no objection from the respondent, this Court is inclined to allow the prayer of the petitioner.

6. The petitioner is at liberty to approach the learned Trial Court with all the arguments on merits alongwith the copy of this order. After receiving the same, the learned Trial Court is directed to take on record the written statement of the petitioner, subject to the deposition of Rs.5,000/- within two weeks from today. Thereafter, the learned Trial Court may proceed on merits in accordance with law.

7. With the aforesaid directions, the petition alongwith pending application stands disposed of.

CHANDRA DHARI SINGH, J

AUGUST 5, 2024/Dy/sm

[Click here to check corrigendum, if any](#)