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

% ***Date of decision: 22nd July, 2024***

+ **CM(M) 1965/2023 & CM APPL. 61546/2023**

VISHAL RANA & ANR.

.....Petitioners

Through: Mr. Rahul Sharma with Mr. Mohan
Sharma, Advocates.

versus

M/S VAISHNO VILLE PVT. LTD.

.....Respondent

Through: Mr. Udit Gupta with Mr. Manan
Aggarwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Admittedly, the written statement had been filed by the petitioners herein before the learned Trial Court on 119th day, reckoned from the date of service.

2. When this matter was taken up by this Court on 29.11.2023, certain observations were made and certain directions were also issued. Pursuant to that, the petitioner herein had even brought a Demand Draft of Rs.25,000/- drawn in favour of respondent.

3. Such Demand Draft was directed to be deposited with the Registry, as is reflected in order dated 12.12.2023.

4. During course of the arguments, learned counsel for the respondent (plaintiffs before the learned Trial Court) has stated that,



without prejudice to their rights and contentions, he would have no objection if the written statement is taken on record. He, however, submits that the petitioners herein may be directed to place on record the original affidavit of truth and also affidavit of admission and denial of documents, which have been filed before this Court, in terms of the directions contained in order dated 29.11.2023. It is also prayed that for causing delay, the petitioner may be burdened with exemplary cost.

5. Keeping in mind the peculiar facts and circumstances of the case and also appreciating the concession given by the learned counsel for the respondent and the fact that the written statement was admittedly filed within the outer limit of 120 days, the present petition is disposed of with the following directions:-

- (i) The written statement is permitted to be taken on record.
- (ii) The original affidavit of truth and affidavit of admission and denial be filed before the learned Trial Court on 29.07.2024.
- (iii) Learned Trial Court would permit the respondent to file replication in accordance with law.
- (iii) For causing delay in the matter, the petitioner is burdened with cost of Rs.50,000/- to be paid to the opposite side on said date, i.e., 29.07.2024 before the learned Trial Court.
- (iv) In view of the aforesaid direction regarding cost, the petitioner would be at liberty to withdraw the amount of



Rs.25,000/- which has been deposited by him with the Registry of this Court.

6. Needless to say, since the suit was instituted way back in the year 2020 and the conditional leave to defend has been granted by the learned Trial Court, it would make best endeavour to dispose it of, as expeditiously as possible.
7. With the aforesaid observations, the petition stands disposed of.
8. Order *dasti* under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

JULY 22, 2024
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