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

% ***Date of decision: 08th July, 2024***

+ CM(M) 1969/2023

NIRMALA DEVI & ORS.

.....Petitioner

Through: Mr. Rajeev Saini, Advocate (through
VC).

versus

ARUN KUMAR SINGLA @ A.K. SINGLA

.....Respondent

Through: Mr. Abhimanyu Singla, Advocate
(through VC).

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners happen to be defendants before the learned Trial Court.
2. Admittedly, the amended written statement was filed by them before the learned Trial Court on 03.04.2023.
3. There was an opposition from the side of the plaintiff as the defendants had not moved any application seeking condonation of delay in filing the written statement and it was in the aforesaid factual matrix that the written statement was taken off the record.
4. Such order is under challenge.
5. When this petition was taken up by the Predecessor Bench for the first time on 30.11.2023, learned counsel for the petitioner (defendants before the learned Trial Court) expressed his willingness to compensate the opposite side by making payment of adequate and reasonable cost and stated before the Court that he would bring a Demand Draft of Rs.50,000/- in favour of the



respondent i.e. plaintiff on the next date of hearing.

6. On the next date i.e. 11.01.2024, such demand draft was produced before the Court and was even handed over to the learned counsel for the plaintiff i.e. Mr. Abhimanyu Singla.

7. Mr. Singla, learned counsel for the respondent states that though no plausible reason has been assigned by the petitioner but in view of the fact that he has, as per the directions of the Court, accepted the cost of Rs. 50,000/- he would have no objection if the petition is allowed and the written statement is permitted to remain on record.

8. In view of facts of the case and also gracious concession given by the learned counsel for the respondent, the petition is disposed of with the direction that written statement would be considered to be on record. For causing delay in filing the same, the plaintiff has been already adequately compensated by way of cost of Rs. 50,000/-. Learned Trial Court would, accordingly, proceed further with the matter in accordance with law.

9. Needless to say, the impugned order dated 19.05.2023 is set aside to the above extent.

(MANOJ JAIN)
JUDGE

JULY 8, 2024/SW