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

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

+ **CM(M) 3131/2024 & CM APPL. 45253/2024**

USHA RANI AND ORS.

.....Petitioner

Through: **Mr. Praveen Aggarwal & Mr. Manish Shersia, Advocates**

versus

SURESH SINGHAL

.....Respondent

Through: **Mr. Naman Singhal and Mr. Pulkit Jolly, Advocates**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 45253/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 3131/2024

1. Petitioner is defendant before the learned Trial Court and is aggrieved by order dated 03.06.2024.
2. It is noticed that earlier also the same petitioner i.e. defendant had challenged orders dated 20.07.2023 and 20.11.2023 before this Court and the matter was remanded back with certain directions.
3. Learned counsel for plaintiff (respondent herein) appears on advance notice and accepts notice.
4. On the basis of the queries made by this Court from learned counsel for respondent, learned counsel for respondent has contended that though no justifiable reason has been given by the defendant before the learned Trial



Court for condoning the delay in filing the written statement but in order to ensure that suit is not unnecessarily prolonged, he would have no objection if written statement, which is already on the record of learned Trial Court, is deemed to be taken on record. He, however, states that for causing delay in the matter, defendant be burdened with cost.

5. In view of above concession given by learned counsel for respondent and taking stock of overall facts and circumstances of the case, petition is disposed of with the direction that the written statement, which has been filed by the petitioner herein before the learned Trial Court, shall be deemed to be taken on record. Simultaneously, petitioner is burdened with cost of Rs. 15,000/- which shall be payable to the plaintiff on the next date of hearing before the learned Trial Court.

6. It is expected that after taking on record such written statement, the learned Trial Court would proceed further with the matter in accordance with law.

7. The petition stands disposed of in aforesaid terms

(MANOJ JAIN)
JUDGE

AUGUST 8, 2024/dr