



\$~76

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

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

+ **CM(M) 3138/2024 & CM APPL. 45458-45459/2024**

LEKHRAJ MUTHREJAPetitioner

Through: Ms. Riya Thomas, Advocate.
(through video conferencing)

versus

DR. ARNAB ADHIKARI & ANR.Respondents

Through: Mr. S.K. Nanda with Ms. Monalisa
Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defendant before the learned Trial Court and is aggrieved by order dated 24.08.2023 whereby his right to submit written statement has been closed.
2. Learned counsel for the respondents (plaintiffs) appears on advance notice.
3. The attention of this Court has been drawn towards various orders starting from 20.10.2022 till 09.07.2024 and it is quite apparent that the defendant himself is responsible for his miseries as despite there being due service and despite the fact that he had engaged a counsel also, he did not bother to file written statement.
4. Moreover, there is no justifiable reason as to why the written statement could not be submitted on record.
5. Sh. S.K. Nanda, learned counsel for the respondents also states that no justifiable reason has been disclosed which prevented the defendant from filing the written statement. However, he also, in all



fairness, supplements that he does not want to obtain any order on technical ground and would have no objection if one last and final opportunity is granted to the petitioner to submit written statement. He, however, states that the defendant be burdened with exemplary cost.

6. Learned counsel for the petitioner states that the petitioner would abide by any condition to be imposed in this regard by this Court.

7. As already noticed, there is apparently nothing to interfere in the matter but keeping in mind the gracious concession given by Sh. Nanda, learned counsel for the respondents, the present petition is disposed of with the following directions:-

- (i) The defendant would submit his written statement before the learned Trial Court on 12.08.2024 (Monday) at 10:00 am.
 - (ii) The advance copy of such written statement shall be sent to learned counsel for the respondents (plaintiffs) through electronic mode.
 - (iii) For causing delay in the matter, the petitioner (defendant) is burdened with a cost of Rs.30,000/-, which shall be paid to the opposite side on 12th instant.
8. It is also clarified that the defendant shall not take any unnecessary adjournment during the trial.
9. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 8, 2024/st