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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3145/2024 & CM APPL. 45742/2024**
DISHAA KAPOORPetitioner

Through: Mr. Amit Kumar, Advocate.

versus

SAGAR NARULA AND ORS & ANR.Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

% **ORDER**
09.08.2024

1. Petitioner is plaintiff before the learned Trial Court and is aggrieved by the fact that the learned Trial Court had taken the written statement of respondent No.1 on record despite the fact that it was filed not within the permissible time limit and moreover, no application had been moved from the side of the defendants (respondents herein) explaining the reason as to why the written statement could not have been filed within the stipulated period of time.
2. The attention of this Court has been drawn towards order dated 15.09.2023 as well as 13.03.2024.
3. On 13.03.2024, the written statement was filed by the defendant and it was directed to be taken on record.
4. Feeling aggrieved, the plaintiff filed an application seeking review of the above order, primarily, on the ground that the written statement should not have been taken on record as it was filed belatedly

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and moreover, no reason had been assigned, permitting such written statement to be taken on record.

5. According to the learned counsel for the petitioner/plaintiff, there was an error apparent on record and, therefore, the review was maintainable.

6. I have seen the order dated 17.05.2024 whereby the review petition has not been entertained.

7. When asked, learned counsel for the plaintiff, in all fairness, apprised that the suit was non-commercial in nature and he also admitted that the period for filing written statement in such type of suit is though not mandatory but, at the same time, some reasons are required to be disclosed and explained and the Court can always permit filing of written statement, subject to certain conditions.

8. Though the grievance raised by the petitioner does not seem to be without any substance but after hearing the arguments for some time, learned counsel for the petitioner submits that he does not wish to press his petition any further.

9. The present petition is, accordingly, dismissed as not pressed.

10. Keeping in mind the peculiar facts and circumstances of the case, the cost imposed by the learned Trial Court while dismissing the review petition, stands waived.

11. Copy of the order be given Dasti under the signatures of the Court Master.

MANOJ JAIN, J

AUGUST 9, 2024
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