



2024:DHC:6591



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 29th August, 2024***+ **CM(M) 3255/2024 & CM APPL. 49370-49372/2024****PRAYAG RAJ AND ORS.**

.....Petitioner

Through: **Mr. Shakti Maan, Advocate.**

versus

GAURAV ANAND

.....Respondent

Through: **Mr. Deepak Kohli, Advocate (through VC).****CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner herein is defending a civil suit for the specific performance, possession, injunction and mesne profits.
2. It is quite obvious from the material placed on record that the summons were served upon the defendants on 16.05.2023.
3. On 12.07.2023, learned counsel for the defendants appeared before the learned Trial Court and filed his *vakalatnama*. Same day, they were directed to file written statement within the stipulated period with advance copy to the opposite side and the case was adjourned.
4. When the matter was, eventually, taken up by the learned Trial Court on 13.12.2023, a request was made by the defendants to file written statement. However, noting that the time to file written statement had already expired



and the defendants had not submitted any written statement, their right to file written statement was directed to be closed vide order dated 13.12.2023.

5. An application seeking recall of above said order was also filed which was dismissed by the learned Trial Court on 15.05.2024, observing that there was no reason assigned for recalling the above said order.

6. The defendant has now filed the present petition under Article 227 of Constitution of India seeking to set aside the above said orders and seeking permission to participate in the proceedings before the learned Trial Court.

7. It is also apprised that the written statement was placed before the learned Trial Court.

8. Fact remains that till date, it has not been explained by the petitioner as to what prevented them in not submitting the written statement within the stipulated period.

9. Admittedly, they had been served way back on 16.05.2023 and without disclosing the reason which prevented them from filing the written statement within the initial stipulated period of 30 days or for that matter within the outer limit of 120 days, they seem to have taken the things for granted and in a very casual and nonchalant manner have made request that the written statement may be taken on record, else it would result in failure of justice.

10. Unfortunately, today also, the position remains the same and no reason, much less a plausible one has been assigned.

11. This Court is conscious of the fact that the supervisory jurisdiction



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under Article 227 should be invoked only in exceptional situations and such Court should not, even otherwise, interfere with the orders where the discretion has been exercised keeping in mind the settled legal position and statutory provisions.

12. Viewed thus, I do not find any merit in the present petition. The same is, hereby, dismissed.

(MANOJ JAIN)
JUDGE

AUGUST 29, 2024/sw