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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: 17th September, 2024***
+ **CM(M) 3403/2024 & CM APPL. 54086-54087/2024**

DEEPANSHU SHARMA & ANR.

.....Petitioner

Through: Mr. Bhuvneshwar Tyagi and Mr.
Vianayak Kamra, Advocates

versus

VIKRANT TYAGI

.....Respondent

Through: None

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

CM APPL. 54087/2024 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 3403/2024 & CM APPL. 54086/2024

1. After hearing arguments for some time, learned counsel for petitioners states that, while reserving his rights and contentions, he does not press the present petition. He also states that further four weeks' time may be granted to petitioners to submit FDR in a sum of Rs. 70,000/- before the learned Trial Court.
2. Petitioners are defending a suit which is summary in nature and the suit has been filed by the plaintiff/respondent seeking recovery of Rs. 1,45,000/- which amount had been advanced as loan.
3. According to plaintiff/respondent, in lieu thereof, petitioners had also handed over a cheque of Rs. 1,45,000/- which, when presented, returned dishonoured.
4. Learned Trial Court, after considering the contentions raised in the



application seeking leave to defend, granted conditional leave to defend while directing the defendants to submit FDR in a sum of Rs. 70,000/- in the name of the Court.

5. Next date before the learned Trial Court is stated to be 07.10.2024.

6. It is also important to note that since the above condition imposed upon the petitioners was not complied with, despite the fact that request for extension was also made by the petitioners before the learned Trial Court, their right to pursue the matter was closed in terms of Order XXXVII CPC.

7. Nobody appears on behalf of the respondent/plaintiff despite service of advance notice.

8. However, keeping in mind the facts placed on record and also the fact that petitioners are now inclined to submit FDR, as per the above-said direction, the present petition is disposed of with the following directions:-

- (i) Petitioners i.e. defendants would submit FDR in a sum of Rs. 70,000/- before the learned Trial Court within four weeks from today.
- (ii) Written statement shall be permitted to be filed by them on or before the next date of hearing i.e. 07.10.2024 with advance copy to the opposite side.
- (iii) It is clarified that if written statement is filed on or before 07.10.2024 and the FDR in a sum of Rs. 70,000/- is deposited by them within four weeks from today, they would be entitled to defend the above-said suit and in case of non-compliance of any of the aforesaid conditions, they would forfeit their right to submit any written statement and/or to participate in the suit and the learned Trial Court, in such an eventuality, would be



permitted to proceed further with the suit in accordance with law.

9. Petitions stands disposed of in the aforesaid terms.
10. Copy of the order be given *dasti* under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

SEPTEMBER 17, 2024/dr