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

+ **CM(M) 3440/2024**

AWANEESH CHANDRA JHA

.....Petitioner

Through: Mr. Shreevash U. Lalit, Mr. Angad
Pahel, Mr. Himanshu Vats, Mr.
Lavam Tyagi and Ms. Runjhun Garg,
Advocates.

Versus

POONAM GARG AND ORS.

.....Respondents

Through: Mr. Hetu Arora Sethi, ASC for
GNCTD with Mr. Prakhar Mani
Triapthi, Advocate.

74.

+ **CM(M) 3441/2024**

AWANEESH CHANDRA JHA

.....Petitioner

Through: Mr. Shreevash U. Lalit, Mr. Angad
Pahel, Mr. Himanshu Vats, Mr.
Lavam Tyagi and Ms. Runjhun Garg,
Advocates.

versus

POONAM GARG AND ORS.

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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25.11.2024

CM APPL. 68533/2024 (early hearing) in CM(M) 3440/2024



CM APPL. 68530/2024 (early hearing) in CM(M) 3441/2024

Application for early hearing is allowed with the consent of parties, and the matter is taken up today for disposal.

CM(M) 3440/2024 & CM(M) 3441/2024

1. Petitioner is the defendant in the suit for declaration and permanent injunction pending before the Trial Court.
2. Petitioner did not file the written statement despite service of summons on 01.04.2023 and accordingly his defence was struck off vide order dated 06.02.2024, and thereafter, the case was listed for the evidence of the plaintiff.
3. The plaintiff tendered her affidavit in evidence but she was not cross-examined by the petitioner despite opportunity granted by the Trial Court, and therefore, the right of the petitioner to cross-examine was closed vide order dated 30.03.2024.
4. The petitioner is challenging the orders dated 06.02.2024 and 30.03.2024 by filing CM (M) 3440/2024 and CM (M) 3441/2024.
5. The learned counsel of respondent submits that she has no objections in case the prayer made in both the petitions is accepted and petitioner is granted an opportunity to file the written statement in a time-bound manner and to cross-examine the plaintiff's evidence, subject to cost.
6. The statement made by learned counsel of respondent is taken on record.
7. In view of the concession granted by the respondent, the orders dated 06.02.2024 and 30.03.2024 are set aside subject to costs of Rs. 10,000/- with direction to the petitioner that he shall get only one opportunity and no more to file the written statement.



8. It is informed that the next date of listed before the Trial Court is 02.01.2025. Let the written statement be filed on or before 02.01.2025.
9. The petition is disposed of in terms of the aforesaid directions.
10. The date already fixed i.e. 16.04.2025 stands cancelled.

RAVINDER DUDEJA, J

NOVEMBER 25, 2024 /vp