



2024:DHC:7387



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 23th September, 2024***+ **CM(M) 3445/2024 & CM APPL. 55511-55512/2024****HAPREET SINGH CHADHA ALIAS SHAMPY**PetitionerThrough: Mr. D.K. Yati with Mr. Sahib
Malhotra, Ms. Tamanna Gupta and
Mr. Arun A. Jain, Advocates.

versus

DWARKA NATH CHANDOK AND SONS THROUGH KARTA
.....Respondent

Through: Mr. Ishaan Chawla, Advocate.

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

1. Learned counsel for the respondent/plaintiff appears on advance notice.
2. Petitioner is defending a recovery suit, which is pending consideration before the Court of concerned learned Additional District Judge.
3. Admittedly, the defendant was duly served.
4. There was appearance from the side of the defendant before the learned Trial Court on 29.02.2024 and the counsel for the defendant submitted before the learned Trial Court that though the process had been received, he had not received the copy of the plaint and annexed documents. Such contention was refuted by the plaintiff but, in the



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interest of justice, the plaintiff was directed to supply a complete PDF set of the plaint and the documents during course of the day.

5. Learned counsel for the defendant submits that such set was supplied to him by the plaintiff same day whereas learned counsel for the respondent denies the same. He states that earlier, summons were accompanying the complete set of documents and based on such set of documents only, it seems that the defendant was able to prepare his written statement. He states that there was never any fresh supply of plaint and documents, therefore, the request made by the defendant before the learned Trial Court was rightly dismissed and his written statement was directed to be taken off record.

6. Admittedly, the written statement was filed by the defendant on 27.04.2024. Though fact remains that the application seeking condonation of delay was filed much later.

7. During course of the arguments, learned counsel for the respondent/plaintiff states that though there is no justifiable reason for giving any kind of accommodation to the petitioner herein, but since the suit filed by the plaintiff would get unnecessarily delayed, while reserving all his rights and contentions, he would have no objection if the petition is allowed, *albeit*, subject to imposition of reasonable cost.

8. Keeping in mind the overall facts and circumstances of the case and the gracious concession by learned counsel for the respondent/plaintiff, the petition is allowed. The written statement, which had been filed by the defendant, shall be deemed to be taken on



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record. The learned Trial Court would proceed with the matter in accordance with law. It is made clear that the defendant shall not seek any unnecessary adjournment in the above said suit.

9. However, for causing delay in the matter, the petitioner, herein, is burdened with cost of Rs.30,000/- to be paid to plaintiff/learned counsel for plaintiff before the learned Trial Court on the next date, which is stated to be 28.10.2024. It is, however, clarified that the defendant would not be entitled to any further date for the purpose of clearing the cost.

10. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 23, 2024/st