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

+ CM(M) 3888/2024 & CM APPL. 68200/2024 (Stay), CM APPL. 68201/2024 (permission to file addl. Doc)

SUNIL HINGORANI

.....Petitioner

Through: Mr. Sunil Magon, Adv alongwith  
petitioner in person

versus

VINOD HINGORANI

.....Respondent

Through: Mr. Rohit Gandhi, Adv with Mr.  
Varun Garg, Mr. Hargun Singh, Advs  
alongwith respondent in person.

**CORAM:**

**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**

**22.11.2024**

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1. Petitioner is the defendant in the Civil Suit for grant of Mandatory and Permanent Injunction. The petitioner did not file the written statement within the stipulated time period. The same was filed after a delay of 229 days. His application filed thereafter under Order VIII Rule 1 CPC was dismissed by the learned Trial Court vide impugned order dated 16.10.2024.
2. Learned counsel for the petitioner has taken the Court through various order sheets on the record of the Trial Court to show that for a considerable long time, the parties were either negotiating for settlement or the case was getting adjourned for hearing arguments only on application under Order XXXIX Rule 1 & 2 CPC.



3. Learned counsel also places reliance on the judgment of “*Bharat Kalra v. Raj Krishan Chabra 2022 SCC OnLine SC 613*” wherein the learned Supreme Court had condoned the delay of 193 days in filing the written statement.
4. The petition has been opposed by learned counsel for the respondent submitting that the petitioner had been regularly participating in the proceedings and was duty bound to file the written statement within the stipulated time period.
5. During the course of the arguments, learned counsel for the respondent submits that the respondent has no objection in case the petitioner be permitted to file his written statement, subject to heavy cost.
6. Without going into the merits of the impugned order, in view of the concession granted by the learned counsel of the respondent, the impugned order dated 16.10.2024 is set aside and the written statement already filed by the petitioner is allowed to be taken on record, subject to cost of Rs 10,000/- to be paid by the petitioner to the respondent before the trial Court on the next date i.e. 23.11.2024.
7. Court has also taken note of the fact that suit was filed by the respondent on 06.12.2023 but the same is still at an initial stage.
8. The learned counsel for the respondent submits that the respondent is a cancer survivor and is having permanent disability in his left leg.
9. In view of the aforesaid, it is directed that the learned Trial Court shall make all out efforts to ensure the expeditious disposal of the case. Learned counsels for the parties are also requested to render due cooperation in getting the case expedited before the Trial Court.



10. At this stage, with the consent of both the parties, the matter is also referred to Delhi High Court Mediation & Conciliation Centre to explore the possibility of settlement, if any. The report be sent directly to the Trial Court.

11. Parties shall appear in the Delhi High Court Mediation & Conciliation Centre on 28.11.2024 at 3:00 PM.

12. The petition is accordingly disposed of.

**RAVINDER DUDEJA, J**

**NOVEMBER 22, 2024**

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