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

+ CM(M) 3890/2024 & CM APPL. 68262/2024 (Stay)

GURU NANAK COLLEGE OF EDUCATION
& ANR.

.....Petitioners

Through: Mr. Abhinash K. Mishra, Adv
alongwith

versus

MS BALNEET KAUR

.....Respondent

Through: Mr. Jitender Kr Jha, Adv.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

05.12.2024

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1. Petitioner No.1 is stated to be an Educational Institution formed by petitioner No.2. The respondent is stated to be a former employee of petitioner No.1 who was terminated on 27.08.2015 for misconduct.
2. On 02.06.2017, the respondent filed CS No. 721/2017 challenging her termination. The written statement was filed on 28.10.2017 and as per the title, the written statement was filed on behalf of both the petitioners. However, the written statement was bearing only the signatures of Director of petitioner No.1 and there was no verification clause.
3. Petitioners filed an application for amendment which was allowed by the learned Trial Court on 29.01.2020, subject to payment of cost of Rs 3000/-.
4. The respondent filed an application under Order XLVII Rule 1 r/w section 114 and 151 CPC for review of order dated 29.01.2020 to the extent



it permitted, petitioner No.2 to place on record its written statement. The learned Trial Court vide order dated 13.08.2024 concluded that there was no error apparent on the face of the record.

5. Since cost was not paid, amended written statement of petitioner No.1 was not taken on record and as regards the previously filed written statement of petitioner No.1, it was ruled that the same cannot be taken into consideration without verification clause. Order dated 29.01.2020 was reviewed to the extent, it permitted the petitioners to place on record the written statement.

6. At the very outset, learned counsel for the petitioners fairly concedes that there has been default in payment of cost and petitioners are ready and willing to pay the additional cost for such default. He prays that amended written statement filed by petitioner No.1 be taken on record and petitioner No.2 may be permitted to adopt the said amended written statement.

7. Learned counsel appearing for the respondent has no objection, in case the submissions of counsel for petitioners be accepted and petitioner No.2 is allowed to adopt such amended written statement of petitioner No.1, subject to heavy cost.

8. Since petitioners are not only ready to pay cost awarded by the learned Trial Court, but also the additional cost if any, and in view of concession granted on behalf of the respondent, the present petition is disposed of with directions that besides the payment of cost of Rs 3,000/- as imposed by the learned Trial Court, the petitioners shall also pay the additional cost of Rs 20,000/- to the respondent within a period of two weeks from today.



9. Upon payment of such cost, the amended written statement filed by petitioner No.1 be taken on record and petitioner No.2 would be at liberty to adopt such amended written statement.

RAVINDER DUDEJA, J

DECEMBER 5, 2024

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