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By:NEETUN NAIK
Signing Date:20.12.2025
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GIRISH
KATHPALIA

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the paperbook was not supplied. Vide order dated 09.07.2018, the learned trial court also referred the matter to Lok Adalat, but no settlement could be arrived at. Even thereafter, there is not even a whisper in any of the ordersheets that copy of paperbook was supplied. It is on 09.10.2018 that the present respondents filed an application under Order VIII Rule 1 CPC, pleading specifically that till that day, the petitioner had not supplied paperbook; and rather the petitioner on 23.11.2017 filed an application under Order VIII Rule 10 CPC to take undue benefit of his own wrong; therefore, they prepared the Written Statement belatedly.

5. The said application of respondents/defendants under Order VIII Rule 1 CPC was allowed by way of impugned order, recording that the delay in filing Written Statement occurred because the paperbook was not supplied to the respondents/defendants.

6. Of course, as rightly submitted by learned counsel for petitioner, nothing prevented the respondents from inspecting the record. But one cannot ignore the provision under Order V Rule 2 CPC, which mandates that every summon shall be accompanied by a copy of the plaint. It was the duty of the plaintiff to ensure that the summons accompanied a copy of the plaint. There is also nothing on record to suggest that the summons served on the respondents/defendants were accompanied with a copy of the plaint and on 10.10.2017, the learned counsel for plaintiff assured to supply an additional set. As clearly recorded in order dated 10.10.2017, it was nobody's case that summons had accompanied a copy of plaint and/or what the learned counsel



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for plaintiff undertook to supply was only an additional set of paperbook.

7. I find no infirmity in the impugned order, so the same is upheld.

8. The petition and the accompanying application are devoid of merit, so the same are dismissed.

**GIRISH
KATHPALIA**

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**GIRISH KATHPALIA
(JUDGE)**

DECEMBER 20, 2025/dr