

C.S. No. 15228/16

23.09.2016

Present: Sh. Amit Kumar, Ld. Proxy counsel for plaintiff.

Ms. K. Kiran, Ld. Counsel for defendants with Sh. Amit Kumar Singh, Project Coordinator, DDMA (NE).

Proxy counsel for plaintiff has filed reply to application u/o 8 Rule 1 and Order 7 Rule 11 (d) and Sec. 151 CPC of defendants. Copy given.

Counsel for defendants has moved application u/s 151 CPC, praying that provisions of Order 7 Rule 11(d) CPC mentioned in application be allowed to be deleted and the application of defendants be treated as application u/o 8 Rule 1 CPC in the interest of justice.

Considering the submissions, accordingly, in the earlier filed application provisions of Order 7 Rule 11(d) CPC are allowed to be deleted as prayed and the application is considered u/o 8 Rule 1 CPC.

Heard. File perused.

Order 21.05.2015 of Hon'ble Ms. Justice Hima Kohli in this matter is vivid and clear with the mention that defendant no.1 was finally served with summons on 23.08.2013, on which date, the defendant no.2 was also duly served but they did not file their written statement. On 21.05.2015, right to file written statement was closed. Even along with the aforesaid application filed by defendants, no

PTO

:: 2 ::

proposed written statement has been enclosed. At opportune/permmissible time defendants chose not to file written statement. The mandate of legislature is that defendants are having 30 days time for filing the written statement, which can be extended on justifiable reasons upto 90 days. The application of defendants for enlargement of time for filing the written statement now is misconceived, not maintainable and is accordingly dismissed with costs of Rs. 2,000/-.

Now to come up for plaintiff evidence on 07.02.2017.

Advance copies of affidavits of witnesses who are to be examined be supplied to side opposite at least 15 days prior to next date of hearing. Steps be taken within a week.

(Gurvinder Pal Singh)
ADJ (Central)-01 Delhi
23.09.2016(hk)