

Rajan Wahi Vs. Ajay Taneja

CS (Comm) No. 293/2023
06.12.2023

Present : Sh. Rajesh Samanotra, Ld. Counsel for the plaintiff.
Sh. Shikhar Mittal, Ld. Counsel for the defendant.

Case is fixed for arguments.

Arguments heard on application under Order 8 Rule 1 CPC filed by the defendant for taking on record the written statement.

Ld. Counsel for the applicant / defendant submits that the defendant was served on 29.5.2023 and filed the written statement on 6.7.2023 thus, there is delay of 25 days in filing the written statement. He submits that the written statement could not be filed on time because bundle of documents were required to be scrutinized before preparing the written statement and due to which delay was caused.

On the other hand, Ld. Counsel for the non applicant / plaintiff submits that the documents were not voluminous and were in possession of the defendant therefore 30 days time was sufficient to file the written statement and further there is no such satisfactory explanation hence the written statement be not taken on record.

I have considered the submissions and have gone through the record.

Considering the facts and circumstances that though the written statement has been filed after 30 days but within the period of 120 days and further there is delay of only 25 days in filing written statement therefore, I allow

the application and take the written statement on record subject to cost of Rs. 2500/- to be paid to the plaintiff.

Application under Order 8 Rule 1 CPC is disposed off accordingly. Plaintiff to file replication, if any with advance copy supplied to the defendant.

Both parties to file affidavits of admission / denial of their respective documents and proposed issues, if any.

As far as application under Order 1 Rule 10 CPC is concerned, arguments heard.

Put up for orders on the said application on 5.1.2024.

Both parties are at liberty to file written submissions, if any within two weeks prior to the next date with advance copy of the same to the opposite party.

(Sanjeev Kumar Aggarwal)
DJ (Commercial)-01, Central,
THC/Delhi / 06.12.2023