

18.04.2022

At 2.50 p.m.

Present : Sh. S.D. Ansari, Ld. counsel for the Plaintiff with
Plaintiff in person.

None for the Defendant since morning.

Previous cost of Rs. 1000/- deposited with DLSA,
Receipt filed.

Matter is listed for arguments on the application of the plaintiff filed u/o 8 Rule 10 CPC, filed on dated 01.07.2016. In the application in hand, it is prayed that the defence of the defendant be struck off (as the defendant has not complied with the order passed u/o 39 Rule 1 & 2 CPC as averred in para 2 of the application in hand).

The Provision u/o 8 Rule 10 CPC comes into picture in case if the defendant doesn't file the WS either within the stipulated time or extended time. However, in the given context, the WS of the defendant is/was already there and even the issues were framed vide order dated 14.07.2014 on the basis of the pleadings of the parties. This way, the application in hand doesn't sound good on the very face of it and is accordingly disposed of as dismissed.

Be listed for PE on 02.08.2022. Advance copy of the affidavit be supplied to opposite party against receipt (if not supplied) at least one week prior to the next date of hearing.

(Raghubir Singh)
Additional District Judge-01
(East)/KKD/Delhi//18.04.2022(A)