

13 CS 107/22 SHABANA BANO AND ORS
Vs. RAHISA BEGAM AND ORS

04.04.2024

Pr. Sh. J.K. Sinha, Ld. LAC for the plaintiffs with plaintiff No.1.

Ms. Sunita Jain, Ld. Counsel for all the defendants with defendant No.2.

Sh. Sinha submits that there was delay in filing written statement, of 65 days, but the application has been moved by the defendant for condonation only after 194 days, of filing written statement in the matter, therefore, application under Order VIII Rule 10, CPC moved by the plaintiff should be allowed. He also presses for disposal of the application under Order XXXIX Rules, 1 and 2, CPC.

On the other hand, Ms. Jain submits that she has relied an authority of Hon'ble Supreme Court for condonation of delay and moreover, the present suit is barred by the principles of resjudicata and for this she relies on a copy of the order, dated 30.11.2018, and further order passed in appeal thereupon, dated 13.03.2021 by the Ld. Court of Ms. Suchi Laler, ADJ-04, then and there is no dispute with regard to this.

Parties have submitted authorities and plaintiff has even submitted written arguments.

Last opportunity is given to the defendant to submit written arguments with copy to Sh. Sinha, in advance and against receipt, through e-filing, for 06.07.2024. Interim order, if any, to continue.

(Sanatan Prasad)
Addl. District Judge-02 (East)
Karkardooma Courts/04.04.2024