

C.S. No. 572/16

04.09.2017

Present: Ld. counsel for the plaintiff.

Counsel for defendant.

Arguments heard on application under order 8 rule 10 as well as under order 8 rule 1 CPC.

Arguments heard.

Main contention raised during the course of arguments is that the defendant was served on 30.10.2015 and written statement was filed only on 24.08.2016 and explanation given. In the application for condonation of delay, delay is explained between 30.03.2016 to 13.08.2016 whereas prescribed period has expired and delay should not be condoned and defence is liable to be struck off and suit may be accordingly decreed.

Counsel for plaintiff has relied upon following two judgments:-

1. **Mohammed Yusuf Vs. Faij Mohammad and Ors., Civil Appeal No. 7209 of 2008 (Arising out of SLP © No. 3311/2008), decided on 02.12.2008, of Hon'ble Supreme Court of India**
2. **Aditya Hotels (P) Ltd. Vs. Bombay Swadeshi Stores Ltd. And Ors. Civil Appeal No. 1572 of 2007 (Arising out of SLP © No. 7644 of 2006), decided on 26.03.2007, of Hon'ble Supreme Court of India**

Put up for orders on 08.09.2017.

(VIPIN KUMAR RAI)
Additional District Judge-03
East District/KKD Courts/Delhi
04.09.2017

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