

1 CS 231/23

NARENDER KUMAR CHOPRA Vs. CHANDER PRAKASH
CHOPRA

08.10.2025

Pr. Ms. Parul Agarwal, Ld. Counsel for plaintiff.

Sh. Rahul Madan, Id. Counsel for defendants, through VC.

Applications under Order VIII Rule 1 CPC and under Order IX Rule 6 CPC for setting aside the ex-parte order dated 29.01.2024 filed by defendants is pending adjudication. Ld. Counsel for plaintiff submits that she does not wish to file reply to the aforesaid applications and has addressed arguments straightaway.

Arguments heard. Record perused.

In the applications, it is mentioned that the defendants were served on 19.12.2023, however, on account of winter vacations and due to ill-health of defendant No.1, they could not engage any counsel. Thereafter, they engaged the counsel who appeared through VC on 29.01.2024, since he was not audible, Ld. Predecessor proceeded the defendants ex-parte. It is further averred that the coloured site plan was not filed by the plaintiff, so the suit property could not be identified and the written statement could not be prepared. Hence, a prayer for condonation of delay of 55 days in filing the written statement and for setting-aside the ex-parte order dated 29.01.2024 is made.

Ld. Counsel for plaintiff urges for dismissal of the aforesaid applications, on the ground that the defendants were duly served on 07.07.2023 and the Winter Vacations started on 23.12.2023, hence, the defendants had ample time to prepare the written statement and to file the vakalatnama/memo of appearance. It is alleged that the defendants are deliberately delaying the proceedings as they are enjoying the rental income from the suit property and grave prejudice is being caused to the plaintiff, who is a senior citizen.

The summons sent to the defendants were received by Ms. Dimple on 07.07.2023, however, vide order dated 04.10.2023, Ld. Predecessor directed that the defendants be served again. Thereafter, the defendants were duly served on 19.12.2023. Though the written statement has not been filed within the stipulated period of 30 days from the date of service, the same has been filed within the extended period of 90 days. Procedural laws are hand-made to administration of justice. It is in the interest of justice that an opportunity be accorded to the defendants to present their case in toto before this Court. Hence, in the interest of justice, the aforementioned applications are allowed subject to cost of Rs.2,000/- to be paid by each defendant to the plaintiff on or before NDOH. Written statement of defendants is taken on record subject to payment of aforesaid cost.

The ex-parte order dated 29.01.2024 is hereby recalled. Defendants are relegated to the same position in the present suit. Replication to written statement of defendants be filed within 30 days from today with advance copy to opposite side.

Settlement efforts made. There are chances of settlement in the present matter.

Request is made for reference of the matter to mediation cell.

At joint request, present case is referred to Mediation Cell for 15.10.2025 at 02:00 p.m. to explore the possibility of settlement. Both the parties are directed to appear before the Mediation Center on the date and time fixed.

Put up for report of settlement, failing which for framing of issues/further proceedings on 03.12.2025.

(SHUCHI LALER)
District Judge-02 (East),
Karkardooma Courts/08.10.2025