

01.05.2023

Present: Shri Chaman Kumar, ld. counsel for plaintiff a/w plaintiff.
Shri Ravi Kumar, ld. counsel for defendants.

Ld. counsel for defendants has filed joint written statement on behalf of defendants alongwith fresh v/nama and an application for condonation of delay in filing the W.S. Copy supplied.

Heard on the application.

It is submitted by ld. counsel for defendant that defendants could not file the W.S. within time because the previous counsel of the defendants has not given any update or information about the W.S. It is further submitted that due to above said reason limitation period to file W.S. is lapsed and there is a delay about 8 days. The delay in filing of W.S. on the part of the defendants is neither intentional nor willful. It is therefore requested that the delay in filing the W.S. may be condoned by allowing the present application.

Ld. counsel for plaintiff has opposed the the present application submitting that there is a delay of 8 days in filing the W.S. It is also submitted that defendant has not filed the W.S. within prescribed period intentionally and deliberately just to linger the matter. Ld. counsel for defendant prayed that present application be dismissed.

Record perused and considered.

It is pertinent to mention that plaintiffs have filed the present suit for recovery of possession, mense profit/damage and permanent injustice and the same is at initial stage. Pleadings are yet to be completed. No prejudice would be caused to the defendant if the present application is allowed. It is settled law that that rules and procedure are the handmaids of justice. Procedural and technical hurdles shall not be allowed to come in the way of the

court while doing substantial justice. If the procedural violation does not seriously cause prejudice to the adversary party, courts must lean towards doing substantial justice rather than relying upon procedural and technical violation. We should not forget the fact that litigation is nothing but a journey towards truth which is the foundation of justice and the court is required to take appropriate steps to thrash out the underlying truth in every dispute. In view of submissions made as well as facts and circumstances of the case, the present application is allowed. The delay in filing the W.S. is hereby condoned.

Written statement on behalf of defendants taken on record.

Put up for replication, admission & denial of documents and framing of issues on 01.07.2023.

(Rajesh Kumar)
Addil. District Judge-03
East/KKD Courts/Delhi
01.05.2023