

CS No. 757/17

06.09.2018

Present: Ms. Shabista Nabi, Ld. Counsel for plaintiff.

Sh. S Ghosh, Ld. Counsel for defendant

Reply to the application of the defendant for setting aside order dated 07.08.2018 proceeding the defendant exparte filed. Copy supplied.

Arguments heard.

The defendant herein was served on 20.02.2018, however, appearance was filed only on 22.05.2018 when a request was made for supply of deficient/illegible copies. The said copies were supplied to the Ld. Counsel for defendant within two days as submitted by Ld. Counsel for plaintiff. Thereafter, the WS was filed on 08.08.2018. Ld. Counsel for defendant submits that he has explained the reasons for the delay in filing the WS in his application under disposal, which are the same as aforesaid. The application has been vehemently opposed by Ld. Counsel for plaintiff submitting that the defendant is trying to delay the disposal of the suit. However, considering the fact that the suit is still at its initial stage and the pleadings are not yet complete and further the fact that the defendant is an Insurance Company i.e. a Public Undertaking, the application is allowed and the order dated 07.08.2018 proceeding the defendant exparte is set aside. WS is taken on record subject to cost of Rs. 5,000/- to be paid to the plaintiff on the next date. Application stands disposed of accordingly.

In view of the above fact, another application of the plaintiff under Order 8 Rule 10 CPC is dismissed as infructuous.

Put up for payment of cost, filing of replication, admission denial of documents and framing of issues on the date already fixed i.e. 16.11.2018.

(Sanjay Sharma-I)
Addl. District Judge-02(East)
Karkardooma Courts- 06.09.2018