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CS No. 70/24

Davinder Pal Singh Vs. Jasmeet Kaur Sethi

27.08.2024

Present : Sh. Raghav Narayan, d. Counsel for the plaintiff.
Sh. Bharat Kashyap, Ld. Proxy Counsel for the
defendants.

Arguments on application for condonation of delay
in filing written statement filed by the defendants heard.

Ld. counsel for the defendants submits that
defendant no. 1 is suffering from rectal ailments since past
considerable period of time and had to be hospitalized recently
and due to her medical condition and being living all alone, the
mobility of defendant no.1 remained restrictive and as such she
could not meet or communicate with the counsel and impart the
requisite instructions for preparing the written statement in time.
He further submits that in light of these circumstances, the delay
in filing the written statement can be unequivocally attributed to
factors beyond the defendant's control. It is prayed that delay in
filing the written statement is condoned and written statement
may be taken on record.

Ld. counsel for the plaintiff opposes the application
and submits that written statement on behalf of defendants has
been filed beyond prescribed period of time.

Submissions heard. Record perused.

Perusal of the record shows that defendants were served on 04.04.2024 and written statement has been filed on 12.07.2024. There is delay of around 64 days in filing written statement. However, same is attributable to the illness of defendant no. 1. Considering that irreparable loss would be caused to the defendants, if the written statement is not taken on record, therefore, in the interest of justice, **application stands allowed** and delay in filing written statement is condoned and written statement filed by the defendants is taken on record subject to a cost of Rs. 1,000/- to be deposited in DLSA (East). Receipt of the same be filed on the NDOH.

Ld. proxy counsel for defendants seeks more time to file reply to application under Order XXXIX Rules 1 and 2 r/w Section 151 CPC.

Last opportunity is granted to the defendants to file reply to application under Order XXXIX Rules 1 and 2 r/w Section 151 CPC subject to a cost of Rs. 1,000/- to be deposited in DLSA (East). Receipt of the same be filed on the NDOH.

Put up for reply and arguments on application under Order XXXIX Rule 1 and 2 r/w Section 151 CPC on 22.10.2024.

Interim order to continue till the NDOH.

(SOMITRA KUMAR)
DJ-06, EAST/ KKD COURTS
DELHI/27.08.2024 ^(R)