

CS No. 1285/17

Rajesh Kumar Vs. Ashutosh Srivastav

12.03.2019

Present: Ld. Proxy Counsel for the plaintiff.
Ld. Counsel for the defendant.

In between the dates of hearing, Written Statement was filed along with condonation of delay application in filing the written statement. Also a separate counter claim was filed on behalf of the defendant.

Today an application is moved by Ld. Counsel for plaintiff thereby submitting that she has not received the counter claim and the documents filed there along. In view of the application, defendant is directed to supply counter claim to the plaintiff within a week against due receipt. Within 30 days of the receipt of the same, written statement to the counter claim may be filed with copy to the opposite party within same duration.

Within 30 days of receipt of written statement, replication to the written statement to the counter claim may be filed with copy to the opposite party.

With these directions, application is disposed off.

It is submitted by Ld. Counsel for plaintiff that they have already received written statement but written statement was filed in the Court on 22.12.2018. Written statement filed along with an application under Order 8 Rule 1 CPC for extension of time in filing the written statement. It is submitted that the main counsel for plaintiff is not available for arguments on application under Order 8 Rule 1 CPC nor reply filed.

Arguments heard on the application under Order 8 Rule 1 CPC.

It is mentioned in the application that there is a delay of four days in filing of written statement. As no reply to this application is filed and in view of the grounds stated in the application, application is allowed subject to cost of Rs.3,000/- to be paid to the plaintiff on the next date of hearing. Application is accordingly disposed off.

Written statement is taken on record.

Plaintiff is directed to file replication within 30 days with copy to opposite party within same duration.

Both the parties are directed to file original documents on record within three weeks, if not already filed.

Both parties shall appear with affidavit of admission/denial on the next date of hearing.

Put up for framing of issues on **02.08.2019**.

(TWINKLE WADHWA)
ADJ-03/PHC/NEW DELHI
12.03.2019