

13.09.2023

Present: Sh. Aman Bhardwaj, ld. Counsel for plaintiff along with plaintiff.
Sh. Mohd. Tariq, ld. Counsel for defendants along with defendants.

This is the suit under Order XXXVII CPC. The defendants entered into appearance but the same is delayed. An application under Order XXXVII Rule 3 CPC has been moved on behalf of defendants for condoning the delay in filing the appearance. The reply was filed on behalf of plaintiff.

Heard on the application. It is stated that defendant no. 2 and his younger brother were not keeping well for long for which there is delay in filing the appearance. Ld. Counsel for plaintiff while filing the reply denied the averments of the defendants. The application is annexed with photocopies of medical examination of defendant no. 2 and his younger brother. Considering the averments made by the defendants and to decide the matter on merits rather on technicalities, the delay in filing the appearance is hereby condoned subject to cost of Rs.2000/- to be paid to the plaintiff. Cost be paid on NDOH.

Ld. counsel for plaintiff seeks time for filing the appropriate application as to the further proceedings under Order XXXVII CPC.

At this stage, ld. Counsels for the parties submit that matter be referred to mediation. Since, there is possibility of settlement between the parties, the matter is being referred to the Mediation Center. Parties are directed to appear before Ld. Incharge, Mediation Center, Karkardooma Courts, Delhi on 18.09.2023 at 2.00 pm.

Be put up for outcome of mediation settlement/further proceedings on 20.10.2023.

(KAPIL KUMAR)
ADJ-01/NE/KKD/DELHI
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