

**IN THE COURT OF MS. MANU VEDWAN,
ADDITIONAL DISTRICT JUDGE-2, NORTH EAST
DISTRICT, KARKARDOOMA COURTS, DELHI**

CS No. 185/2022

Shabnam & Ors.

....Plaintiffs

Versus

Mohd. Mashkoor & Ors.

.... Defendants

08.06.2023

**ORDER ON APPLICATION UNDER ORDER VIII RULE 1
READ WITH SECTION 151 CPC MOVED ON BEHALF OF
DEFENDANT NO. 2 FOR CONDONATION OF DELAY IF
ANY, IN FILING WRITTEN STATEMENT.**

1. Vide this order, I shall dispose of an application under Order VIII Rule 1 read with section 151 CPC moved on behalf of defendant no. 2 seeking condonation of delay if any, in filing the written statement.

2. It is stated in the application that defendant number 2 got served with the summons of this Hon'ble Court without any plaint and documents. Therefore, it was requested to the counsel for

plaintiff to provide the same so that defendant number 2 would file his written statement. All the documents were provided to the counsel for defendant number 2 only on 16.02.2023. Defendant number 2 had thus filed his written statement on 01.03.2023 without any delay. It is stated that there is no delay on the part of defendant number 2 and therefore, defendant number 2 should not be punished owing to the technicalities of law. It is therefore requested that even otherwise also any delay be condoned in the interest of justice.

3. On the other hand, it is stated by the plaintiff by way of reply that the defendant number 2 is making false claims that he has not received the complete set of the documents alongwith the summons. It is stated that the defendant number 2 had deliberately not appeared before the Court even after the service of summons alongwith the documents. It is stated that there is no merit in the application of defendant and it be dismissed.

4. Submissions of both the parties have been heard at length. Application perused carefully.

5. Undoubtedly, endeavour of Court should be to ensure that all relevant and best materials are allowed to be brought on record, which could effectively, conclusively and finally adjudicate the dispute between the parties. Therefore, to avoid the miscarriage of justice and for the advancement of the ends of justice, the abovesaid application is allowed subject.

6. Written statement filed by defendant number 2 is taken on record subject to cost of Rs. 1,000/- to be paid to the plaintiff.
7. Applications stand disposed of accordingly.

(Manu Vedwan)
ADJ-02/North-East, KKD Courts,
Delhi/08.06.2023