

26.10.2017

Present: Sh. Trilok Chand, Advocate, for the plaintiff.
Sh. Mohd. Arif, Advocate, from DLSA, for defendant No. 4 & 5 with defendant No. 4 & 5 in person.

Defendant No. 6 is also present in person. But, no written statement has been filed by her, till date.

Ld. Counsel for defendant No. 4 & 5 has reported that he shall also represent defendant No.6 and shall not file any written statement on behalf of defendant No.6.

Submissions of the Ld. Counsels for the parties are heard on the application under Order 8 Rule 1 r/w Sec. 151 & 148 CPC, moved on behalf of defendant No. 4 & 5, dated 10.08.2017, along with written statement of defendant No. 4 & 5.

Perusal of the record shows that on 10.11.2016, the Ld. Predecessor of this court had specifically directed defendant No. 4 & 5 to file their written statement. But, the same was not filed by defendant No. 4 & 5, till 06.02.2017 and therefore, the Ld. Predecessor of this court had closed their right to file the written statement, vide order dated 06.02.2017. The written statement has been filed on behalf of the defendant No. 4 & 5 only on 10.08.2017.

In these circumstances, I do not find any merit in the submissions of the Ld. Counsel for defendant No. 4 & 5, to set-aside the order dated 06.02.2017. However, in the interest of justice, the time to file the written statement is extended and the written statement filed on behalf of defendant No. 4 & 5 is taken on record, subject to payment of cost of Rs.4,000/- by defendant No. 4 & 5 to the Ld. Counsel for the plaintiff.

Adjourned for filing of replication, if any; payment of cost by defendant No. 4 & 5 and for admission / denial of the documents and framing of issues on **22.12.2017**.

BRIJESH KUMAR GARG
Addl.Distt Judge(NE)-01
26.10.2017