

SURAJ SINGH Vs. MAHESH KUMAR**02.06.2025**

Present: Sh. Ratneshwar Kumar, Ld. Counsel for plaintiff.

Defendant with Ld. Counsel, Sh. Madhusudan Singh.

An application on behalf of defendant under Order 47 Rule 1 read with Section 114 CPC is filed. Requisite court fee stamp qua the application is placed on file as affixed on hard copy of application. Copy Supplied to Ld. Counsel for plaintiff.

Submissions on the application are heard.

The application of defendant filed under Order 8 Rule 1 CPC for taking on record his written statement by condoning the delay was allowed vide order dated 10.02.2025. The defendant was ordered to compensate the plaintiff with a cost of Rs. 20,000/- on account of delay occurred in the trial of plaintiff. The matter was adjourned for 21.04.2025 for payment of compensation and settlement of issues. On that day, defendant appeared with his counsel and stated that he is not in the capacity to pay the compensation to the plaintiff, thus, it was ordered that written statement could not be read. The plaintiff was asked to lead the evidence for today.

The said order is sought to be reviewed with the contention that due to inadvertent default and financial hardship, the defendant has failed to pay the cost/compensation. The plaintiff has filed the present suit for recovery of Rs. 7 lacs with the averments that the same was given to the defendant on loan and the cheque issued by the defendant for discharge of the

..2..

liability has been returned dishonoured upon its presentation. In the order dated 21.04.2025, no error at the part of court is reflected. The application is dismissed accordingly.

No witness of plaintiff is present today. To meet the ends of justice, one more opportunity is granted to plaintiff to lead the evidence.

Put up on 08.09.2025 for plaintiff evidence.

(SUNIL CHAUDHARY)
DJ-04/North-West
RHC/Delhi 02.06.2025