

SURAJ SINGH Vs. MAHESH KUMAR**10.02.2025**

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

Sh Madhusudhan Singh, Ld. Counsel for defendant.

Submissions on the application under Order 8 Rule 1 CPC are heard. Case file is perused.

The plaintiff has filed for recovery of Rs. 7 lac against the defendant and its summons were issued vide order dated 15.04.2023 through post. The report of service was not received and it was called from postal department for 17.08.2023 and on that day, report was filed from postal department showing that article has been delivered to the addressee on 01.05.2023. On 17.08.2023, none appeared in the court on behalf of defendant and considering the facts, right of defendant to file written statement was closed. Thereafter application has been filed on 25.08.2023 on behalf of defendant seeking condonation of delay in filing the written statement with submissions that summons were served to him through his father at the native place and his father is illiterate and he could not inform him about receiving of summons. It is averred that in another suit filed by sister in law of plaintiff against defendant, he came to know about filing of the present suit and engaged counsel and filed the written statement.

Ld. Counsel for plaintiff stated that defendant is aware about the pendency of the suit since its filing and is trying to delay the trial, however if the court is inclined to condone the delay then plaintiff be compensated for the delay occurred in the

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trial of the suit.

Considering the facts and circumstances of the case, to meet the ends of justice so that dispute may be decided on merits, a liberal approach is adopted and written statement of defendant is taken on file by condoning the delay in its filing subject to payment of compensation of Rs. 20,000/- to the plaintiff.

Put up for payment of compensation, replication and settlement of issues on 21.04.2025.

(SUNIL CHAUDHARY)
DJ-04/North-West
RHC/Delhi 10.02.2025