

CS No. 142/15

M/s Bhumika Ispat Udyog Pvt. Ltd. Vs. Devender Gupta

Dt.: 21.07.2016

Present : Sh. Ankit Gupta, learned counsel for the plaintiff.

None for the defendant.

It is submitted by the learned counsel for the plaintiff that he does not intend to file reply to the application u/o VIII, rule 1 CPC filed by the defendant and requests that the said application be decided. It is submitted by the learned counsel for the plaintiff that in case the application is decided in favour of the defendant, he shall file the replication.

I have heard learned counsel and perused the application u/o VIII rule 1 CPC filed by the defendant. It is stated that the summons were received by the defendant on 12.12.15 and vakalatnama was filed on 14.03.2016 by the learned counsel. However, advance copy of the written statement was supplied on the same day to the learned counsel for the plaintiff, but original written statement could not be filed as it was not attested and later it was filed on 28.04.2016 along with an application u/o VIII rule 1 CPC. Hence it is submitted that delay if caused due to the negligence of the counsel, the

parties should not suffer because of the negligence of the counsel and it is requested that delay in filing of written statement be condoned.

The learned counsel for the plaintiff objects for late filing of written statement.

Heard.

Written statement is though filed beyond the period of 90 days, but as submitted, it was so filed late due to the negligence of his counsel, so, in the interest of justice, delay in filing of written statement stands condoned subject to the cost of Rs. 3000/-. Let the replication be filed by the learned counsel for the plaintiff by the next date of hearing.

Put up for replication, admission/denail of document and framing of issues on 19.08.2016.

(YOGESH KHANNA)
District & Sessions Judge (North-West)
Rohini Courts/Delhi
21.07.2016