

07.07.2022

Present : Sh. Sanjay Anand, Ld. Counsel for plaintiff.
Sh. Zaim Khan, Ld. Proxy Counsel for defendant

Matter is at the stage of consideration on the application of the defendant for condonation of delay in filing of appearance. It is submitted by the ld. Counsel that the summons for appearance were served upon the defendant on 18.10.2019 and the appearance was filed in the court on 24.10.2019 i.e. within time.

Application has been opposed by the plaintiff on the ground that as per record, the summons were served upon the defendant on 13.10.2019 and the statement of the process server has also been recorded by the ld. Predecessor of this court to this effect. Hence, as the appearance was not filed in time, the application is liable to be dismissed and the suit of the plaintiff may be decreed.

Record perused.

As per the statement of the process server, the service was effected upon the defendant on 13.10.2019. The appearance has been filed on 24.10.2019. Delay if any, is only of one day. Hence, the application is allowed. The appearance is taken on record.

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Summons for judgement be issued against the defendant, on filing of PF and the appropriate application within seven days.

Put up on 27.10.2022.

(RUCHIKA SINGLA)
ADJ-03 (N/W)
Rohini Courts :Delhi/07.07.2022