

27.09.2025

Present: Sh. Vivek Kumar, Ld. Counsel for plaintiff with
plaintiff.
Sh. Sanjeev Kumar, Ld. Counsel for defendant.

One application filed on 10.08.2025 for setting aside the ex parte order is reflecting on CIS. Requisite court fee stamp qua the application is placed on file as affixed on hard copy of application. File is also containing another application under Order 8 Rule 1 CPC. Requisite court fee stamp qua that application is also placed on file as affixed on hard copy of application.

Ld. Counsel for plaintiff stated that he is ready to argue the applications today itself.

Submissions are heard on the applications.

The plaintiff has filed the present suit seeking relief of possession of property averring that the same was rented out to defendant vide rent agreements dated 06.01.2021 and 03.01.2023 and that tenancy has been terminated by serving legal notice. The summons of the suit were served upon defendant through his mother on 09.01.2025 and as defendant did not file the written statement within prescribed period, the right to file written statement was closed vide order dated 26.04.2025. Now by way of present applications, defendant is seeking recall of said order and to take written statement filed by him on record. It is submitted that written statement has been filed on 11.02.2025.

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Reader to the court stated that upon checking the status and re-consuming the data pertaining to the case, one document is found reflecting as submitted on 26.04.2025 as non verified document. As per rules w.e.f 01.07.2024, the pleadings to civil suit are to be filed online only. Even if it is considered that written statement was filed on 11.02.2025, the same is contrary to the data as it is found uploaded on 26.04.2025 on CIS. The filing of written statement was beyond the prescribed period. Now evidence of the plaintiff is complete, as such, the case cannot be put for re-trial and no ground is found to exercise the inherent power of the court in favour of defendant. The applications are dismissed.

Submissions on the suit are heard.

Put up for perusal of file and consideration on **15.11.2025** in the post lunch session.

(SUNIL CHAUDHARY)
DJ-04/North-West
RHC/Delhi 27.09.2025