

CS no. 58/19

Sandeep Saini Vs. M/s. Alpha Radios and Ors.

05.07.2019.

Present: Sh. Amit Swami, counsel for plaintiff alongwith plaintiff

Sh. Divij Soni, proxy counsel for defendants

Written statement was filed by defendant no. 4 to 7 alongwith vakalatnama on 16.05.2019. However, inadvertently, same was not mentioned in order dated 17.05.2019. Registered maintained by Reader had been perused which corroborates the same.

Written statement has been filed by defendant no. 1 to 3 alongwith vakalatnama on 16.05.2019. Compliance of directions dated 25.04.2019 has not been done with regard to filing of written statement within two weeks. However, the proxy counsel for defendants has submitted that as defendant no. 2 is a cancer patient and is suffering from last stage cancer and hospitalized, there was a delay in filing of written statement. Further, it is submitted that the written statement has been filed within 90 days of service of the plaint and therefore, in the larger interest of justice, and in view of the medical condition of defendant no. 2 and as all the other family members have to attend to him, lenient view may be taken and written statement of defendant no. 1 to 7 may be taken on record. Copy of medical certificate of defendant no. 2 issued by consultant Urologist Ganga Ram Hospital has been filed in support of submissions.

Ld. Counsel for plaintiff has submitted that though there is a huge delay in filing the written statement, he is not objecting to

written statement being taken on record so that the matter can be proceeded with and in order to avoid further delay. However, defendants should be penalized with heavy cost.

I have considered the submissions made in the light of the judicial record. **Written statement of the defendant no. 1 to 7 is taken on record subject to cost of Rs.6,000/- to be paid to the plaintiff.**

Ld. Counsel for defendants has submitted that the defendant no. 5, 6 and 7 being Directors of defendant no. 4 company may be deleted from array of parties. Further, it is submitted that the reliefs as claimed by plaintiff are not maintainable before the Civil Court and that he shall move appropriate application for dismissal of the suit. Application / s if any be moved on or before next date with two weeks advance copy to the opposite side through email / dasti. Reply be filed.

Put up for payment of cost, reply / arguments on pending applications on **24.09.2019. AR to appear positively on next date.**

(Surya Malik Grover)
ADJ-1(South East) Saket Court
New Delhi/05.07.2019(ds)