

CS no. 439/18

M/s. Khushi Mohd. Contractor Vs. M/s. Vyom

26.09.2019.

Present: Counsel for plaintiff

Counsel for defendant / counter claimant

Reply to application u/s 151 CPC has been filed.

Submissions heard.

Counsel for defendant has submitted that on account of getting stuck in a traffic jam, he could not appear in the first call and when he reached the Court at 11:30 a.m., he came to know that the application seeking condonation of delay in filing written statement as well as his counter claim had been dismissed in default.

In rebuttal, it is submitted by counsel for plaintiff that the defendant merely wants to prolong the matter and defendant had not appeared even on the last date, hence, application may be dismissed.

On hearing the submissions, in the light of the record, I am satisfied that the non appearance of the defendant counsel was on account of bonafide reasons as he is stated to have been stuck in traffic jam. Affidavit is supported with personal affidavit of the counsel.

In the given facts, application stands allowed with warning to the defendant / counter claimant to be careful in future. At this stage, I have discussed the dispute with the parties and there appears to be probability of an amicable settlement.

Contd.../-

Hence, the matter is referred to the Mediation center, Saket Court qua exploring possibilities of settlement for **14.10.2019 at 2 p.m.** Both the parties are directed to appear in Mediation Center.

Put up for report of settlement / arguments on both pending applications on **10.12.2019.**

(Surya Malik Grover)
ADJ-1(South East) Saket Court
New Delhi/26.09.2019(ds)