

CS No. 1660/17

Naveen Kumar Sharma Vs. M/s SB Protech Pvt. Ltd.

07.07.2018

Present: Sh. Shantanu Rastogi, counsel for plaintiff with
plaintiff.

Sh. Bharat Singh, counsel for defendant.

WS alongwith application for filing WS within
period of 90 days has been filed by defendant on 05.03.2018.

Counsel for plaintiff has submitted plaintiff does not wish to file
any reply to the aforesaid application and is ready for arguments
straightway.

Arguments on application addressed by respective
counsels heard.

During course of arguments, counsel for plaintiff
submitted that no reason has been mentioned by defendant for
not filing WS in time. He has submitted defendant was served
with summons of suit on 18.12.2017 and WS was filed by
defendant on 05.03.2018 i.e after 77 days from date of service
but that no reason for not filing WS within 30 days has been
mentioned by defendant in the application. He has submitted
that no sufficient cause has been shown by defendant for not
filing WS within time as prescribed u/o 8 rule 1 CPC. He has
submitted that neither application nor WS of defendant is
supported by any affidavit of AR/Director of defendant. Heard.

Counsel for defendant on the other hand has
submitted that WS was filed by defendant within 90 days from

date of service and WS filed by defendant may be taken on record in the interest of justice. Heard.

Perusal of the record shows that defendant was served with summons of the court on 18.12.2017 and WS was filed by defendant on 05.03.2018 and there is delay of 47 days in filing of WS regarding which no plausible reason has been mentioned in the application. Further neither application nor WS of defendant is supported by affidavit of AR of defendant. In these circumstances, I am of the view that in absence of any sufficient cause being shown by defendant for extending period of limitation in filing of WS, application of defendant does not deserve to be allowed and is accordingly dismissed. Defence of defendant is struck off.

At joint request, matter is referred to Mediation Cell, Saket Courts for **16.07.2018 at 02:00 PM.**

Separate consent of parties/counsels present taken in this regard.

Ahlmad is directed to send copy of relevant proceedings to Mediation Cell.

Be put up for reporting of settlement if any between parties on **03.08.2018.**

(Sonu Agnihotri)
ADJ-02/SE/Saket/New Delhi
07.07.2018