

RAJESH KUMAR JAIN Vs. SURESH KUMAR VERMA

21.10.2020

File taken up today through physical hearing in view of the office order no. 5277-5297/Judl/SHD/2020 dated 29.09.2020 issued in the wake of Corona Virus (Covid-19) pandemic.

**Present : Ms. Priyanka, Advocate for the Plaintiff.
Sh. Manish Kumar, Advocate for the Defendant (through VC).**

It is submitted that presence of Sh. Manish Kumar, advocate has been inadvertently recorded for the plaintiff on the last date of hearing i.e. on 06.10.2020. Let his presence be read for the defendant in place of plaintiff.

Case is pending for hearing on the application under Order 8 Rule 1 CPC r/w Section 151 CPC.

Ld. Counsel for the plaintiff submits that the written statement be not taken on record as the same has been filed after prescribed period of 90 days.

On the other side, Ld. Counsel for the defendant submits that vide order dated 11.09.2018, the defendant was granted 21 days time to file the written statement and he has filed the same after a delay of five days. He submits that he has also moved an application under Section 148 CPC r/w Section 151 CPC r/w under Order 8 Rule 1 CPC for enlargement of time /condonation of delay in filing the written statement. He submits that there is delay of five days beyond the time period of 21 days granted vide order dated 11.09.2018 on account of illness of the defendant.

Contd. ...

For the reasons stated in the application under Section 148 CPC r/w Section 151 CPC r/w under Order 8 Rule 1 CPC, delay of five days in filing the written statement beyond the period of 21 days granted vide order dated 11.09.2018 stands condoned. Accordingly, written statement is taken on record. In view thereof, application filed by the plaintiff under Order 8 Rule 1 CPC r/w Section 151 CPC for not taking on record written statement of the defendant stands dismissed.

Be put up for filing of replication, admission-denial of documents and for framing of issues on **18.05.2021**.

Affidavit of admission-denial of documents and proposed issues be also filed on or before the next date of hearing.

(Manjusha Wadhwa)
Addl. District Judge-2,
Shahdara, Karkardooma Courts,
Delhi: 21.10.2020