

CS no. 394/2017

06/12/2017

Pr.:- Sh. Uday Naval, proxy counsel for plaintiff.
Sh. Sunil Kumar, counsel for defendant no. 1 & 2.

WS alongwith an application for condonation of delay, an application under Order VII Rule 11 CPC, documents as per list, vakalatnama of D-2 and memo of appearance of D-1 filed by the defendant. Copy supplied.

Ld. Counsel for defendants undertakes to file vakalatnama and affidavit of D-1 within ten days.

Submissions heard. Record perused.

It is submitted by the plaintiff that without admitting veracity of the defendant's claim, plaintiff has no objection if the WS is taken on record, subject however to heavy cost.

Even otherwise, it is well settled that rules of procedure are hand maids of justice. It is also well settled that it is better if the matters are disposed off on merits rather than on technicalities. Further more, in the facts of the case, the plaintiff can be compensated by costs for the delay occasioned.

In the facts of the case, the delay of about 146 days in filing of the WS is condoned subject to payment of cost of Rs.3,000/- collectively by both the defendants to the plaintiff. WS is taken on record subject to payment of cost.

Put up for replication, if any, reply & arguments on pending application under Order VII Rule 11 CPC & under Order XXXIX Rule 1 & 2 CPC on 08/02/2018.

(SHARAD GUPTA)
Addl. District Judge-01(Shahdara),
Karkardooma, Delhi. 06/12/2017.