

28.10.2024

One of the regular Stenographer is on leave today.

Present : Sh. Dayanand Sharma Ld. Counsel for plaintiff.
Ms. Tanya Madan Ld. Proxy counsel for Sh. K.K. Makhija Ld. Counsel for D1, D2 and D5 through VC.
None for D3 and D4 **(deleted from array of parties vide order dated 05.08.2024).**

Today, matter is listed for reply and arguments on application u/o 8 R 1 CPC r/w S. 5 of Limitation Act, seeking condonation of delay in filing WS and for taking on record the WS, filed by D1, D2 and D5.

By way of aforesaid applications, D1, D2 and D5 are seeking condonation of delay in filing their WS and to take the WS on record.

At this stage, Ld. Counsel for plaintiff submits that he has no objection to the aforesaid application filed by D1, D2 and D5 and the same may be allowed, subject to imposition of heavy cost.

Submissions heard. Record perused.

Keeping in view the aforesaid facts and circumstances, reasons mentioned in the aforesaid application as well as on the basis of submissions made by the Ld. Counsel for D1, D2 and D5 and the no objection given by the Ld. Counsel for plaintiff, considering that it is well settled that the cases should be decided on merits, rather than on technicalities and also considering the fact that the present suit is at initial stage and issues are yet to be framed, **the**

application u/o 8 R 1 CPC r/w S. 5 of Limitation Act filed by D1, D2 and D5 is disposed off as allowed, subject to imposition of cost of Rs. 5000/- to be paid by D1, D2 and D5 to the plaintiff.

Ld. Counsel for D1, D2 and D5 undertakes to pay the aforesaid cost on NDOH to the plaintiff. Heard.

The delay in filing the WS of D1, D2 and D5 shall be condoned and their WS shall be taken on record, subject to payment of aforesaid cost.

Perusal of record shows that on LDOH, D3 and D4 were deleted from the array of parties and plaintiff was directed to file amended memo of parties. However, steps not taken so far. Ld. Counsel for plaintiff seeks some time to file amended memo of parties. Heard. Be filed on or before NDOH and an advance copy of the same be supplied to the opposite party against proper receipt.

Matter be listed for payment of cost, filing amended memo of parties, completion of pleadings and framing of issues on 16.12.2024. Both the parties are directed to file affidavit of admission-denial of documents and proposed issues. Advance copy of the same be exchanged with each other.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/28.10.2024_(ch)