

09.12.2025

Present : Sh. Armaan Bhardwaj Ld. Proxy counsel for Sh. Aastha Sharma Ld. Counsel for plaintiff.
None for D-1.
Sh. Nitin Bhardwaj Ld. Counsel for D-2.

Today, matter is listed for arguments on application u/o 8 R 1 r/w S. 151 CPC filed by D-2 and application u/s 151 CPC for de-sealing the report of LC.

At this stage, Ld. Counsel for D-2 has filed the application seeking condonation of delay in filing WS u/s 5 of Limitation Act r/w S. 151 CPC.

At this stage, counsel for D-2 submits that he does not wish to pursue the aforesaid application u/s 5 of Limitation Act r/w S. 151 CPC and wants to withdraw the same. Heard.

In view of the submissions of counsel for D-2, the aforesaid application u/s 5 of Limitation Act r/w S. 151 CPC is disposed off as withdrawn.

By way of application u/o 8 R 1 r/w S. 151 CPC, D2 is seeking condonation of delay in filing WS.

At this stage, Ld. Counsel for plaintiff submits that he has no objection to the aforesaid application filed by D-2 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 D-2, 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, **the application u/o 8 R 1 r/w S. 151 CPC filed by D-2 is disposed off as allowed, subject to imposition of cost of Rs. 5000/- to be paid by the D-2 to the plaintiff.**

Ld. Counsel for D-2 undertakes to pay the aforesaid cost on NDOH to the plaintiff. Heard.

The delay in filing the WS of D-2 shall be condoned and the WS of D-2 shall be taken on record, subject to payment of aforesaid cost.

At this stage, Ld. Counsel for D-2 has also pressed his application u/s 151 CPC seeking de-sealing of report of LC. On the other hand, Ld. Counsel for plaintiff submits that he has no objection to the aforesaid application filed by D-2 and the same may be allowed.

Submissions heard. Record perused.

Perusal of record shows that as per order dated 06.11.2017, the aforesaid report of LC had already been opened and taken on record by Ld. Predecessor of this Court.

In view of the above facts and circumstances, application u/s 151 CPC filed by D-2 becomes infructuous and is disposed off accordingly.

Matter be listed for payment of cost, filing of proposed issues, if any, on behalf of D-2 and further proceedings on 03.02.2025. NDOH is given as per convenience of the Ld. Counsels for the parties.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/09.12.2025^(ch)