

12.05.2026

Present : Plaintiff with Sh.R.S. Goswami Ld. Counsel.
Sh. Narender Singh and Sh. Pratyush Chirantan Ld.
counsels for D1 (**opportunity to file WS closed on 27.10.2025**).
None for D2. (**right to file WS closed on 17.11.2025**).

Today, matter is listed for arguments on application under order 8 rule 1 r/w Section 151 CPC.

By way of aforesaid application, D1 is seeking condonation of delay in filing WS and to recall the order dated 27.10.2025, whereby the opportunity to file WS by D1 was closed 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 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 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, also considering the fact that the present suit is at initial stage and issues are yet to be framed, the aforesaid application of D1 is disposed of as allowed, subject to imposition of cost of

Rs.3000/- to be paid by D1 to the plaintiff.

Ld. Counsels for D1 undertakes to pay the aforesaid cost on NDOH to the plaintiff. Heard.

Order dated 27.10.2025, whereby the opportunity to file WS by D1 was closed, shall be recalled and the delay in filing the WS by D1 shall be condoned and the WS of D1 shall be taken on record, subject to payment of aforesaid cost.

Replication already filed.

Ld. Counsel for plaintiff has pressed the application under order 12 rule 6 r/w Section 151 CPC.

Ld. Counsel for D1 submits that reply to the aforesaid application has already been e-filed and copy of the same has also been supplied to opposite counsel. Same is duly acknowledged by Ld. Counsel for plaintiff.

Ahlmad is directed to verify the same and apprise the Court on NDOH.

Arguments heard on application under order 12 rule 6 CPC.

Matter be listed for payment of cost and order on aforesaid application on 03.06.2026.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/12.05.2026