

CS no. 2571/2016

Babu Khan V/s Gyan Prakash Agarwal

17/01/2019

Pr.:- Sh. M. P. Malik, counsel for plaintiff.
Sh. Rajesh, counsel for defendant.

An application under Section 5 of the Limitation Act for condonation of delay in filing of WS is pending adjudication.

Submissions heard. Record perused.

It is submitted by the plaintiff that without admitting veracity of the defendant's claim, plaintiff has no objection in case the present application is allowed subject however to heavy cost.

Even otherwise, it is well settled that rules of procedure are hand maids of justice. It would be appropriate if the matter be disposed off on merits rather 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 in filing of the WS is condoned subject to payment of total cost of Rs.4,000/- by the defendant to the plaintiff. WS is taken on record subject to payment of cost. Cost paid.

Ld. Counsel for plaintiff stated that he has not received the copy of WS. without going into controversy, Ld. Counsel for defendant stated that he will supply copy of WS to the Ld. Counsel for plaintiff within 07 days against proper receipt.

Put up for replication, if any, DAD, framing of issues for 28/03/2019.

Parties to appear in person.

(VINEET KUMAR)

Addl. District Judge-01(Shahdara),
Karkardooma, Delhi. 17/01/2019.