

19 CS 705/23

RAKESH TANEJA Vs. PRABHA KHATTAR AND ANR

09.05.2025  
AT 12:28 PM

**Present:** Sh. S.K. Vashisht, Ld. Counsel for plaintiff  
Sh. Neeraj Tyagi, Ld. Counsel for defendants.

Ld. Counsel for plaintiff on instructions submits that plaintiff has no objection, if the application under Order VIII Rule 9, Order XLVII Rule 1 r/w Section 151 CPC filed on behalf of D-1 be allowed and written statement of D-1 be taken on record, subject to costs.

Heard.

It is settled law that procedural prescriptions are the handmade of justice and not its mistress. Procedure and law are meant to advance justice, not to be used to thwart it on technical grounds. Procedural defects or irregularities that are curable should not be allowed to defeat substantive rights or cause injustice. The procedural rules are meant to serve justice, not to get in the way of it.

In view of the submissions, contentions made in the application, no objection given by the Ld. Counsel for the plaintiff and also considering that the matter is still at initial stage and issues are yet to be framed, **therefore, the present application is hereby allowed subject to costs of Rs.5,000/- which is to be paid to plaintiff by D-1.**

**Application is accordingly disposed of.**

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**Subject to payment of costs of Rs.5,000/- to plaintiff  
by D-1, written statement of defendant No.1 is taken on record.**

Replication is already on record.

Parties are directed to file affidavits of admission and denial of documents within fifteen days from today with an advance copy to the opposite side.

Put up for completion of pleadings, admission and denial of documents and framing of issues on 30.05.2025.

(Deepanker Mohan)  
District Judge-04  
Shahdara District/KKD Courts/Delhi  
09.05.2025