

5 CS 896/23

DR. VIJAY KUMAR Vs. TULIKA BHARDWAJ

09.01.2025
AT 10:32 AM

Present: Mohd. Zahid and Sh. M.K. Khan, Ld. Counsels for
the plaintiff along with plaintiff in person
Sh. Parmod Kumar, Ld. LAC for defendant

Reply to the application under Section 5 of
Limitation Act filed on behalf of plaintiff. Copy supplied.

Arguments heard.

It is submitted by Ld. Counsel for defendant that
there is a delay of 64 days in filing WS. He further submits that if
the WS of defendant is not taken on record then great prejudice
shall be caused to defendant.

Ld. Counsel for the plaintiff opposed the application
and submits that there is delay of more than 64 days in filing the
WS. He further submits that WS should not be taken on record.

File perused.

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 and above observations, the present application is

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allowed subject to the costs of Rs.3,000/- to be paid to plaintiff on or before the next date of hearing, therefore, the present application is hereby allowed.

Application is accordingly disposed of.

WS of defendant taken on record.

Plaintiff is at liberty to file replication within 15 days from today with an advance copy to defendant.

Plaintiff and defendant are directed to file the respective affidavits of admission and denial of documents within 30 days from today with an advance copy to opposite side.

Parties are directed to produce original documents on the next date of hearing.

Parties are directed to appear in person on the next date of hearing for the purpose of admission and denial of documents and recording their statements under Order X CPC.

Put up for completion of pleadings, admission and denial of documents and framing of issues on 19.03.2025.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
09.01.2025