

31.08.2024

Present: Sh. Naveen Kumar Goyal, Ld. Counsel for plaintiff alongwith plaintiff.
Sh. Lokesh Verma, Ld. Counsel for defendant.

Perusal of record shows that vide order dated 29.05.2024 opportunity to file written statement on behalf of defendant was closed.

Today, Ld. Counsel for defendant has filed hard copies of an application u/o 8 Rule 1 r/w Section 151 CPC alongwith written statement as well as reply to application u/o 39 Rule 1 & 2 CPC. The same has already been filed through online mode. Copy already supplied and the same is acknowledged by Ld. Counsel for plaintiff.

By way of an application filed on behalf of defendant u/o 8 Rule 1 CPC, he is seeking permission to file written statement beyond the statutory period.

Perusal of record shows that the defendant failed to file the written statement within the statutory period, however at the same time, Ld. Counsel for plaintiff submits that he has no objection qua the aforesaid application and the same may be allowed subject to imposition of heavy cost.

I have heard the Ld. Counsels for both the parties, perused the application and gone through the record. It is observed that ends of justice would be better served if an opportunity is granted to the defendant to present his defence.

Keeping in view the aforesaid facts and circumstances and considering the fact that the instant suit is at initial stage, therefore, in the interest of justice, the application filed by defendant u/o 8 Rule 1 r/w Section 151 CPC is hereby allowed subject to the cost of Rs.5,000/- paid to the

plaintiff on the next date of hearing. **Accordingly, the application u/o 8 Rule 1 r/w Section 151 CPC is disposed of as allowed. Written statement is taken on record. Copy supplied.**

At this stage, Ld. Counsel for plaintiff submits that he wishes to file the replication to the WS filed by the defendant and therefore, seeks some time to file the same.

Heard. Time is granted.

Matter is adjourned.

Put up for filing of replication as well as for completion of pleadings on **04.11.2024**.

(GAURAV)
DJ-01/KKD Court/Delhi
31.08.2024