

CS no. 895/2017

M/s Affy Parenterals V/s M/s Medley Pharmaceuticals Ltd.

29/03/2019

Pr.:- Ms.Vashali Dhwan, proxy counsel for plaintiff.
Sh. Ayush Kumar, counsel for defendant

Defendant's application under Order VIII Rule 1 CPC 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 cost of Rs.4,000/- by the defendant to the plaintiff. WS is taken on record subject to payment of cost.

Put up for replication, if any, DAD & framing of issues for 06/07/2019.

Parties to appear in person.

(VINEET KUMAR)
Addl. District Judge-01(Shahdara),
Karkardooma, Delhi. 29/03/2019.