

29.01.2025

One of the regular Stenographer has been withdrawn today.

Present : Ms. Divya Anand Ld. Counsel for plaintiff.
Sh. Neeraj Ld. Counsel for LR of deceased defendant
through VC.

WS a/w supporting affidavit and list of documents
and application u/o 8 R 1 CPC were filed on 22.11.2024.
Same be taken on record. Copy already supplied.

Reply to the aforesaid application has been filed on
behalf of plaintiff. Same be taken on record. Copy supplied.

By way of aforesaid application, LRs of defendant is
seeking condonation of delay in filing WS and to take the WS
on record.

At this stage, Ld. Counsel for plaintiff submits that
he has no objection to the aforesaid applications filed by
defendant and the same may be allowed, subject to imposition
of heavy cost.

Submissions heard. Record perused.

Keeping in view the aforesaid facts and
circumstances, reasons mentioned in the aforesaid application
as well as on the basis of submissions made by the Ld.
Counsel for LRs of defendant and the no objection given by
the Ld. Counsel for plaintiff, considering that it is well settled
that the cases should be decided on merits, rather than on
technicalities also considering the fact that the present suit is
at initial stage and issues are yet to be framed, **the application
u/o 8 R 1 CPC is disposed of as allowed, subject to imposition**

of cost of Rs. 2000/- to be paid to the plaintiff.

Ld. Counsel for LR of defendant undertakes to pay the aforesaid cost on NDOH to the plaintiff. Heard.

Delay in filing the WS by LR of defendant shall be condoned and the same shall be taken on record, subject to payment of aforesaid cost.

Amended memo of parties already filed and same is taken on record.

Matter be listed for payment of cost and completion of pleadings on 04.04.2025. Parties are directed to file affidavit of admission-denial of documents and proposed issues on or before NDOH. Advance copy of the same be exchanged with each other.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/29.01.2025_(ch)