

CS no. 1106/2018

Rohtash V/s. Ram Niwas and anr.

20/03/2019

Pr.:- Sh. Trilok Chand, counsel for plaintiff.
Sh. Y. K. Sharma, counsel for defendant no.1.
Ms. Riya Arora, proxy counsel for defendant no. 2.

A. Documents as per list filed by Ld. Counsel for plaintiff. Copy supplied.

Ld. Counsel for defendants stated that the copies supplied are not legible.

Ld. Counsel for plaintiff stated that he has the same copy with him.

Replication to WS of D-1 filed. Copy supplied.

B. D-1's application under Order VIII Rule 1 CPC for condonation of delay in filing of WS is pending adjudication.

Submissions heard on aforesaid application. 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 by D-1 is condoned subject to payment of cost of Rs.2,000/- by the defendant no.1 to the plaintiff. WS is taken on record subject to payment of cost.

Cost paid. WS is taken on record.

C. Ld. proxy counsel for defendant seeks some time to file WS in this suit. D-2 is at liberty to proceed as per law.

Action taken report be filed by D-2.

Ld. Counsel for defendant no.1 stated that an appeal qua the demolition order is already pending before the MCD Tribunal at Tis Hazari.

Put up for further proceedings on 16/05/2019.

IO to continue till next date of hearing.

(VINEET KUMAR)
Addl. District Judge-01(Shahdara),
Karkardooma, Delhi. 20/03/2019.