

CS DJ 582/20

LAXMI NARAYAN KASHYAP Vs. MOHD. ASRAF

31.10.2022

Present: Plaintiff in person.

Defendant no.1 with counsel Sh. Harbans Singh.

Initial suit was accompanied by the application under Order XXXIII Rule 1 CPC for permitting the plaintiff to file the suit as an indigent. Copy of the plaint was supplied to the defendant alongwith CD on the last date of hearing. However, no written statement has been filed till date.

Counsel for defendant has submitted that application under order XXXIII Rule 1 CPC be decided and thereafter he shall file the written statement. However, the court is of the opinion that application under Order XXXIII Rule 1 CPC has no bearing on the written statement to be filed by the defendant as the said application is the entire discretion of the Court.

In view of non filing of written statement even after four months of supplying of the copy of the suit and CD, the opportunity to file the written statement by defendant stands closed.

As far as application under Order XXXIII Rule 1 CPC is concerned, let report be called from the SDM concerned upon the application for 01.02.2023.

(Purva Sareen)
ADJ-01, South District
Saket Court, New Delhi
31.10.2022