

CS No. 16166/16

Vijay Kumar Bhatia Vs. Gorakh Nath Mishra & Anr.

21.07.2016

Present : Sh. B. S. Randhawa, Ld. counsel for the plaintiff.
Sh. Rajender Soni, Ld. counsel for the defendant.

Application for condonation of delay filed on behalf of the defendant which were stated to have been filed before the Hon'ble High Court prior to the transfer of the matter and same got misplaced at the time of transfer of file. Now counsel has got the same from the registry of the High court. Application for condonation of delay has been filed on 11.01.2016 the ground that defendant could not appear before this court as he is resident of Basti, U. P. and summons were received by his wife and being illiterate she could not explain regarding the same to defendant No. 1.

Application is strongly opposed by the counsel for the plaintiff.

From the record it is transpired that on 08.11.2015 summons were served upon defendant No. 1 but there is a considerable delay in filing the present application, however, in the interest of justice, application is allowed subject to cost of Rs. 3,000/-, out of which Rs. 2000/- shall be paid to the plaintiff and Rs. 1000/- shall be deposited with DLSA.

Copy of receipt of cost with DLSA furnished. Cost of Rs. 2000/- paid to the counsel for the plaintiff.

Memo of appearance filed. Be taken on record.

Let the matter be put up for summons for judgment on 03.09.2016. PF/RC be filed accordingly.

(SANJAY KHANAGWAL)
ADJ-07/Dwarka Courts
New Delhi / 21.07.2016