

11 CS DJ ADJ 495/24 RAVINDER KUMAR PASSI Vs. M/S J. BHAWNA
INFRASTRUCTURE

19.10.2024

Present: Sh. Rajiv Kumar Mishra, Ld. Counsel for plaintiff (through
VC).
Sh. Sharad Upadhyay, Ld. Counsel for defendants.

Submissions heard on memo of appearance.

Record perused.

Record reveals that, vide order dated 30.05.2024 summons were issued to all four defendants in prescribed format under Form 4 Appendix B u/o XXXVII CPC and infact duly served through brother namely 'Anand' on 27.06.2024. But, defendants entered into appearance on 25.09.2024 i.e. with delay of 50 days. Although, no specific application/prayer made for condonation of a delay in entering into appearance but, considering the facts and circumstances of the present case and the submissions made by the parties, **delay in entering in appearance by defendants is excused u/o XXXVII Rule 3 (7) CPC subject to cost of Rs. 2,500/- to be paid by defendant to the plaintiff.**

At this stage, Ld. Counsel for defendants submits that, service address for the defendants would be '*B-502, Joy Kunj Society, Gurugram*'. In view thereof, issue fresh summons for judgment to the defendants in prescribed format i.e. Form 4A Appendix B through all authorised modes u/o XXXVII CPC on filing of PF/RC for **13.01.2025**.

Defendants are directed to file leave to defend within 10 days of receipt of summons with advance copy to plaintiff.

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 19.10.2024