

17.05.2024

Present: Sh. Sumit Sharma, Proxy counsel for Sh. Arvind Vashist, Ld. Counsel for the plaintiff along with plaintiff.
Ms. Shilpi Ganguli, Ld. Counsel for the defendant No. 3 along with defendant no. 3.
Defendant No. 1 to 4, 5 and 6 are already proceeded exparte vide order dated 08.11.2023.

Application U/s 151 CPC for recalling of order dated 14.02.2024 filed on behalf of defendant no. 3 wherein right to file WS stands closed.

Ld. Counsel for the defendant no. 3 submits that, summons were received through speed post on 11.11.2022. However, could not file WS being laywoman. Same is vehemently objected by Ld. Counsel for the plaintiff on the ground that, defendant no. 3 deliberately not filed WS despite regularly appearing before this court either in person or through counsel since 06.03.2023. It is also submitted that, plaintiff is senior citizen of 74 years age and is suffering due to the delay caused by defendant.

Submissions heard. Record perused.

Record reveals that defendant no. 3 failed to file WS despite multiple opportunities. In fact, no reason for not filing WS is given. However, still in the interest of justice and for fair trial, **one last and final opportunity is granted to the defendant no. 3 to file WS within 2 weeks subject to cost of Rs. 6,000/- to be paid to the plaintiff. Order dated 14.02.2024 is recalled to the extent of closure of right to file WS of defendant no. 3. Application U/s 151 CPC stands disposed off.**

It is make clear that, if defendant no. 3 failed to file WS within 2 weeks, the right shall be closed without any further order.

Put up for completion of pleadings on **27.08.2024**.

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 17.05.2024 (AR)