

15 CS DJ ADJ 865/22 SUNITA Vs. VIKAS

22.12.2023

Present: Sh. Jitender Tanwar, Ld. Counsel for plaintiff along with plaintiff.

None for defendant.

Be awaited for 11:30 AM.

(SHILPI M JAIN)  
ADJ-05 (SW)/Dwarka Courts  
New Delhi: 22.12.2023

**At 11:27 AM**

Present: Sh. Jitender Tanwar, Ld. Counsel for plaintiff along with plaintiff.

Sh. Naveen Gaur, Ld. Counsel for defendant along with defendant.

Matter is fixed for PE, however, Ld. Counsel for defendant filed application u/o VIII Rule 1 CPC, u/o VII Rule 11 r/w XII Rule 6 CPC along with WS and copies of certain documents. Copy supplied.

Ld. Counsel for plaintiff submits that, although there is no sufficient ground has been mentioned in the application u/o 8 rule 1 CPC by the defendant but, same may be allowed subject to heavy cost.

Submissions heard.

Perusal of the application u/o VIII Rule 1 CPC reveals that, there is neither any specific prayer for setting aside ex-parte order dt.

05.07.2023 nor any sufficient cause was mentioned for condonation of delay in filing of WS. However, in view of submissions made by the plaintiff and in the interest of justice application u/o VIII Rule 1 CPC is allowed subject to payment cost of Rs. 5,000/- to be paid to the plaintiff within a week from today. Subject to payment of cost as imposed above, WS is taken on record.

Replication if any, be filed within four weeks thereafter with advance copy to the opposite side.

Put up for replication if any, arguments on application u/o VII Rule 11 CPC and further proceedings on 18.03.2024.

(SHILPI M JAIN)  
ADJ-05 (SW): Dwarka Courts  
New Delhi/22.12.2023