

31.05.2025

Present: Sh. Sanjay Verma, Ld. Counsel for plaintiff.
Sh. Anil K. Bhasin, Ld. Counsel for defendant No. 1 and 2.

Arguments heard on pending application under Order VIII Rule 1 CPC as well as on application under Order VIII Rule 10 CPC.

In application under Order VIII Rule 1 CPC defendants are seeking condonation of delay 50 days beyond the statutory period of 30 days in filing of WS. Only contention of defendants is that since they did not received a complete set of paper book could not file WS in time. However, this factum strongly disputed on behalf of plaintiff. It is submitted that on 26.12.2024, Ld. Counsel for plaintiff receipt whatsapp message from defendants' counsel for complete paper book which was duly served/supplied on the same day but despite service of paper book defendants chosen to not file WS in time bound manner. It is further submitted that defendants failed to show any sufficient cause for condonation of delay in filing of WS. Hence, their WS may be taken off record and Judgment may be passed under Order VIII Rule 10 CPC.

It is settled that defendant shall within 30 days from the date of service of summon on him, present written statement of his defence and in case defendant failed to file written statement within said period of 30 days he shall be allowed to file the same on such other day as specified by the Court for reasons to be recorded in writing and on payment of such cost as Court deem fit.

Although, as per process report summons were served on 16.01.2025 but defendants themselves claimed to have received summons via speed post on 25-26.12.2024.

However, perusal of record reveals that plaintiff had filed the PF without document as reported by Ahlmad to this Court. Thus, considering over

all facts and circumstances of present case, this Court is of the opinion that delay in filing the WS can be condoned in the interest of justice as plaintiff can be compensated for the same.

In view thereof, delay in filing the WS stands condoned subject to cost of Rs. 2500/- to be paid to the plaintiff. Application under Order VIII Rule 1 stands disposed of. WS is taken on record.

Since WS is now taken on record Application under Order VIII Rule 10 CPC stands disposed of being infructuous.

Let, replication if any be filed within four weeks with advance copy to the plaintiff.

Put up for further proceedings on **23.08.2025**.

(SHILPI M. JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 31.05.2025 (GM)