

CivDJ/658/2017

Gulshan Kumar Chawla Vs Vijay Kumar Chawla & Anr.

15.12.2017

Present: Ms Sarita Panda, Proxy Counsel for the plaintiff with
plaintiff.

Sh. V.V. Singh, Ld. Counsel for both defendants.

Heard. Perused.

Proxy Counsel for plaintiff has filed reply to application under
Order 8 Rule 1 and Section 18 CPC. Copy supplied.

Submission on said application heard.

Ld. Counsel for the applicant/defendants has submitted that
copy of original plaint was supplied to defendant no.-2 and copy of
amended plaint was supplied to defendant no.-1. It is further submitted that
some paragraphs from copy of plaint supplied to defendant no.-1 are
missing. It is further submitted that since copy of plaint supplied to
defendant no.-1 and 2 were different, paragraphs were missing, written
statement could not be prepared.

Ld. Counsel for the plaintiff/non applicant has submitted that
admittedly complete set was supplied to defendant no.1. Therefore,
defendant no.-1 should have filed his written statement within time. It is
further submitted that complete set was supplied to defendant no.-2 also
and the statement /submissions of opposite party contrary to it are wrong
and false. It is further submitted that application under Order 8 Rule 1 CPC
is without merits and the same is liable to be dismissed with heavy cost.

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I have duly considered the rival submissions and have perused the record carefully.

Perusal of record shows that summons were served upon defendants on 13.10.2017. More than 2 months have already passed but no written statement has been filed till date.

I have compared copy allegedly received by defendants with the amended plaint available on record. After comparison, it is found that in one of the copy, some paragraphs are missing.

In view of the facts and circumstances, defendants are given a time of one week to file written statement.

Now to come up on **22.12.2017** for filing of written statement. Application stands disposed off accordingly.

(DEEPAK DABAS)
ADJ-05/West/THC/Delhi
15.12.2017