

16.10.2025

Present: Sh. Jai Prakash Sharma, Ld Counsel for the plaintiff
Sh. Rohit Kumar (Through VC) and Sh. Umender
Baliyan, Ld Counsel for the defendant.

Today WS has been filed by the defendant. Copy of the same has been supplied to the plaintiff.

Perusal of the record reveals that the unconditional leave to defend was granted to the defendant vide order of this court dated 14.07.2025. However, the WS has been filed today by the defendant.

Same is opposed by Ld Counsel for the plaintiff on the ground that once the leave to defend is granted by the court, it is the duty of the defendant to file the WS within the statutory period of 30 days.

On Court inquiry, Ld Counsel for the defendant submits that the aforesaid WS has been e-filed on 13.10.2025 and there was no direction in the order dated 14.07.2025, granting leave to defend, to file the WS within 30 days. Accordingly, it is prayed that the delay if any be condoned.

I have heard submissions of Ld Counsel for both the parties.

It is evident that the WS has been filed by the defendant on 13.10.2025 which is within a period of 90 days from the date of the order dated 14.07.2025, granting leave to defend. Though, the grounds stated by the Ld Counsel for the plaintiff is entirely not satisfactory, however, keeping in mind the interest of justice, and also the fact that procedural delay should not defeat substantive justice, particularly when the filing is

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within the outer limit prescribed under the law

Therefore. the delay in filing the WS is hereby condoned subject to cost of Rs. 3000/- to be paid to the plaintiff on NDOH. WS of the defendant is taken on record.

List the matter for filing replication, if any, by the plaintiff with an advance copy to the other side as last and final opportunity on 22.12.2025.

Both the parties are also directed to file their respective affidavits of admission/ denial of documents on NDOH.

(Ravinder Singh II)
DJ-04, North, Rohini Courts,
Delhi/16.10.2025