

IN THE COURT OF SH. HASAN ANZAR, ADJ-06
WEST DISTRICT, TIS HAZARI COURTS

CS No. 612305/16

Ashwani Kumar Gautam

.....Plaintiff

Versus

M/s. Technodies and anr.

.....Defendants

ORDER

1. This order shall dispose of an application under Section 151 CPC filed on behalf of defendant no.1, 2 and 4 for taking Written Statement into record.
2. It is contended on behalf of applicants/ defendants that Written Statement alongwith application under Order 8 Rule 1 CPC was filed by defendants vide diary no. 614917/2015 and diary no. 614922 dated 28.11.2015 and 05.12.2015 respectively. It is also contended that the present suit was transferred to this court on enhancement of pecuniary jurisdiction on 14.01.2016 and it is only at the later stage, it came to the knowledge that Written

Statement is not on judicial record.

3. No reply was filed on behalf of plaintiff.
4. Arguments were heard prior to lockdown.
5. Perusal of record shows that Written Statement was filed by defendant no.1, 2 and 4 after a delay of 75 days alongwith an application under Order 8 Rule 1 CPC for condoning the delay as per the above referred diary number.
6. Considering the fact that initially Written Statement was filed by defendant no.1, 2 and 4 with a delay of 75 days since vide order dated 6.8.2015 passed by Ld. Joint Registrar, defendants were granted time of four weeks to file written statement. It is apparent from the record that case was transferred to district court due to enhancement of pecuniary jurisdiction on 14.1.2016 and counsel for defendant was under the bonafide impression that both Written Statement and application are on record. Although, it was the duty of counsel for defendant to check the record as to whether Written Statement is available on record or not. However, considering the fact that there is an initial delay of 75 days in filing the Written Statement on behalf of defendants. Accordingly, WS filed by defendant.1, 2 and 4 is taken into record subject to cost of Rs. 4000/-, payable to

Ld. Counsel for plaintiff.

7. With these observations, application under Section 151 CPC for taking Written statement is into record and application under order 8 Rule 1 CPC is disposed of on the above term.

Announced by way of video Conferencing

on 6.8.2020

(Hasan Anzar)
Additional District Judge-06
West District, THC