

Civ DJ 1094/23

RAJAT DHINGRA Vs. EMANSHI GULATI MARWAHA

09.09.2024

Present: None for plaintiff.

Sh. S.K. Pawar, Ld counsel for defendant.

ORDER

1. Vide this order, this Court shall decide the application u/o 8 Rule 1 CPC moved on behalf of defendant.
2. Arguments have already been heard. Record perused.
3. In said application, it is submitted that in present suit defendant was served on 05.02.2024, however, defendant herself was not present in India and was staying abroad in Canada. It is submitted that defendant discussed the case with her attorney and verified the whatsapp chat which has been filed by plaintiff. It is submitted that this whole process took time and afterthat as per the instructions, written statement was prepared by ld counsel for defendant and same was filed in Court. Prayer has been made to condone the delay in filing of written statement and written statement be taken on record.
4. Perusal of record shows that in present matter, service was effected upon defendant by way of E-mail on 05.02.2024 and as per record, one of the address of defendant is of Canada. Perusal of record shows that written statement in the present matter was filed on 30.05.2024, so it is clear that written statement has not been filed within the prescribed period of 30 days, however, in view of the Court, the delay is not very large and for said delay, plaintiff can be compensated in terms of cost, so present application is allowed subject to cost of Rs. 5000/- to be paid to plaintiff by defendant.

Subject to payment of said cost, written statement of defendant is taken on record.

Matter be put up for payment of cost and arguments on application u/o 39 Rule 1&2 CPC on 28.09.2024.

**Announced in the open Court
on this 09th day of September, 2024.**

**(Dharmender Singh)
District Judge-01, (West)
Tis Hazari Courts, Delhi**