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RAJESH AGARWAL Vs. M/S JSK HOTELS PRIVATE LIMITED

09.10.2025

Present : Sh. Krishan Kumar, Ld. Counsel for the plaintiff
(through VC).
Sh. Mohit Khandelwal, Ld. Counsel for defendant
(through VC).

Counsel for defendant submits that an application under section 151 CPC for recall of order dated 29.01.2024 is pending consideration. It is submitted that on 29.01.2024 the defence of the defendant was stuck off and the matter was posted for PE. It is submitted that on 20.07.2023, unfortunately, presence of counsel for the plaintiff, in the second call, has been recorded as counsel for the defendants. It is submitted that defendant entered appearance in the matter on 07.11.2023 and only one opportunity was given to the defendant to file written statement and thereafter on the very next date i.e. 29.01.2024 the opportunity to file written statement was closed and defence was stuck off. It is submitted that at least one opportunity should be granted to the defendant and the written statement available on record filed by the defendant on 15.02.2024 may kindly be considered.

At the very outset, counsel for the plaintiff submits that for the expeditious disposal of the instant case the written statement may be taken on record subject to exemplary cost.

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Record reflects that the defendant has duly filed his appearance on 07.11.2023 and as per order 8 Rule 1 CPC the written statement ought to have been filed within 30 days i.e. by 06.12.2023. Yet till 29.01.2024 no written statement was filed by the defendant. However, considering the gracious concession made by the counsel for the plaintiff, the written statement filed on behalf of the defendant on 15.02.2024 is taken on record and the delay in filing the same stands condoned subject to the cost of Rs. 30,000/- to be paid to the plaintiff herein.

Subject to the payment of cost, the plaintiff shall be at liberty to file replication, if any, within 15 days from today with advance copy to the defendant. Affidavit of documents admission/denial be filed by the both parties before the next date of hearing after mutually exchanging the same among themselves.

Now come for documents admission/ denial and for framing of issue in the matter on 18.02.2026.

(Dharmender Rana)
District Judge – 01
PHC/New Delhi/09.10.2025