

29.01.2025

Present: Sh. Narender Kumar, Ld. counsel for plaintiff.
Ms. Arzoo Singh, Ld. counsel for defendants.

Plaintiff had earlier filed an application u/s 149 r/w 151 CPC praying for extension of time for payment of court fees. It appears that thereafter court fees of Rs.1 lac was paid and thus, the said application became infructuous. It is accordingly disposed of.

Plaintiff had also moved another application u/O XXXIX Rule 1 & 2 CPC. After some arguments, he wishes to withdraw the same. The said application is accordingly disposed of as not pressed.

Defendants have filed a joint WS with an application u/s 151 CPC seeking condonation of delay in filing of WS. Copy supplied. With the consent of parties, the application for condonation of delay in filing of WS is taken up for arguments.

As per defendants, due to language barrier between them and their counsel, a delay of 113 days took place in filing of WS. The said plea appears to be standing on thin ice as at least three defendants namely Sanjay Gupta, Sheoji Gupta and Preeti Gupta have signed their affidavits accompanying their WS in English. Thus, the plea of delay in filing of WS appears to be *prima facie* incorrect. Even if it is taken that the defendants did not know English, still, delay of over 100 days in filing of WS does not appeal to logic.

At this stage, counsel for plaintiff submits that he has no objection in case the delay in filing of WS is condoned subject to cost.

Considering the above, the delay in filing of WS is condoned subject to cost of Rs.10,000/- to be paid to plaintiff. WS is taken on record subject to payment of cost.

Plaintiff does not wish to file any replication. Thus, pleadings stands complete.

Parties do not press for A/D of documents and thus based on pleadings following issues are framed:

- (i) **Whether plaintiff is entitled to decree of damages as prayed for in prayer (a) ? OPP**
- (ii) **Relief.**

No other issue arises from the pleadings or is pressed for.

List for PE and also for payment of cost on 16.04.2025. List of witnesses along affidavits of evidence be filed by both the parties within 15 days from today with advance thereof to the opposite party.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
29.01.2025