

CS 523/22

RAHUL CHAUDHARY Vs. MUKESH KHURANA

27.04.2023

Present: Ms. Surbhi Mehta, Ld counsel for the plaintiff.

Sh. Sakshi Tikmany, Ld counsel for the defendant.

WS was filed by the defendant along with an application u/s 8 of Arbitration & Conciliation Act. Copy of the WS and application u/s 8 of Arbitration & Conciliation Act supplied to the plaintiff.

As far as WS is concerned, the defendant was served on 16.01.2023 and WS has been filed today only. There is admittedly a huge delay in filing the WS.

Ld counsel for the defendant states that the WS is accompanied with an application u/O 8 Rule 1 CPC seeking condonation of delay. Ld counsel for the plaintiff states that she does not want to file any reply to the said application and merely to avoid any further delay in the present suit, the WS may be taken on record subject to heavy cost.

I have considered the reasons assigned in the application seeking condonation of delay. No reasonable justification has come forward for the delay in filing the WS, nonetheless, solely in the interest of justice and to give defendant a reasonable opportunity to defend the case, the delay stands condoned subject to cost of Rs. 35,000/- to be paid to the plaintiff. The said cost is imposed considering the huge delay as well as the nature of the suit and relation of the parties. Subject to payment of cost, the WS stands taken on record.

Parties are directed to file their respective calculation sheet as regards the rent paid and due along with

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proper statement of accounts. In the meanwhile, parties are directed to maintain status quo qua the suit property till the next date of hearing.

Relist the matter for filing of replication, reply to the application u/s 8, admission-denial and framing of issues now on 17.08.2023.

(Gaurav Rao)
Additional District Judge-03
Patiala House Courts, New Delhi
27.04.2023