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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 6705/2019**

**JAGVINDER SINGH** ..... Petitioner  
Through: Mr. Rishi Manchanda, Advocate

versus

**SARASWATI CONSTRUCTION CO.** ..... Respondent  
Through: Ms. Jigyasa Sharma, Advocate

**CORAM:**  
**HON'BLE MS. JUSTICE JYOTI SINGH**

% **ORDER**  
**25.02.2021**

Hearing has been conducted through Video Conferencing.

Counter Affidavit has not been filed by the Respondent despite several opportunities. On 28.02.2020, Court had given last and final opportunity to the Respondents to file Counter Affidavit within four weeks failing which the same was to be taken on record, subject to payment of cost of Rs.5,000/- payable to the petitioner and the matter was adjourned to 5<sup>th</sup> May, 2020.

On 10.09.2020, the Registrar again recorded that counter affidavit had not been filed. Repeating the same observations, the matter was listed before the Court for directions by the Registrar on 17.12.2020 for 18.01.2021. On 18.01.2021, the Court recorded that on two previous dates also, there was no representation by the parties and the adverse orders were deferred. The Court also recorded that despite imposition of cost of Rs.5,000/-, counter affidavit had still not been filed. The order passed by the Court was directed



to be transmitted to the counsel on record for the Respondent.

Ms. Jigyasa appears on behalf of the Respondents and seeks time to file counter affidavit by way of last opportunity.

In the interest of justice, a final opportunity is given to the respondents to file counter affidavit within a period of four weeks from today, subject to payment of cost of Rs.10,000/- to be paid to the Petitioner. Needless to state that this would be in addition to the cost of Rs.5,000/- imposed by the Court earlier, which shall be deposited with the Secretary, Delhi High Court Legal Service Committee, Delhi High Court, New Delhi. The costs shall be deposited within a period of ten days from today.

It is made clear that no further opportunity to file counter affidavit shall be granted and if the needful is not done within the time granted by this Court, the right to file counter affidavit shall stand closed.

List on 15<sup>th</sup> April, 2021.

**JYOTI SINGH, J**

**FEBRUARY 25, 2021**  
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