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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 2199/2024**

MOHAN KUMAR

..... Petitioner

Through: Mr. Manish Sangwan, Mr. Anshul Kumar, Mr. Abhishek Kumar and Mr. Bhanu Pratap, Advs.

versus

ANAND KUMAR

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **21.03.2024**

CM APPL. 17805/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2199/2024

3. The present petition under Article 227 of the Constitution of India has been filed impugning the order dated 13.02.2024 passed by learned ADJ-02, North-West District, Rohini Courts, Delhi in CS DJ No. 545/23 titled as “Anand Kumar vs. Mohan Kumar” whereby the right to file written statement on behalf of the petitioner was closed. The petitioner herein is the defendant before the learned Trial Court.
4. Learned counsel for the petitioner submits that the petitioner was served with the summons of the suit on 12.09.2023 and his 90 days to file



written statement were over by 11.12.2023. However, due to inadvertent mistake on the part of the erstwhile counsel of the petitioner, the written statement could not be filed within stipulated period as provided under law. Learned counsel further submits that the learned Trial Court did not consider the said fact and has erroneously passed the impugned order.

5. Issue notice.

6. On taking steps by the petitioner, let service be effected upon the respondent through all permissible modes including via approved courier service, returnable on 12.07.2024.

SHALINDER KAUR, J.

MARCH 21, 2024/ss