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

+ CS(OS) 265/2024, I.A. 48494/2024

OM CHAUDHARY

.....Plaintiff

Through: Mr. Anuj, Mr. Narender Singh, Advs.

versus

SANDEEP CHAUDHARY & ANR.

.....Defendant

Through: Mr. Atul Kumar Banda, Adv. for D-1.
Ms. Neha Pandey, Adv. for D-2

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

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01.04.2025

Matter is taken up through physical hearing as well as video conferencing.

I.A. 48494/2024 (Application u/O VIII Rule 1 r/w Sec. 151 CPC filed by defendant no.1)

1. Vide this Order I shall decide the abovesaid application of defendant no.1 for condonation of delay of 98 days in filing Written Statement.
2. Defendant no.1 has stated in the application that summons were received by defendant on 24.07.2024 but the copies of plaint and documents were not complete and some of the copies were not legible due to which defendant no.1 had filed application I.A. 42641/2024 u/s. 151 CPC for directions to plaintiff to supply legible documents, which were supplied to him on 23.10.2024 but site plan was not supplied and it was supplied by Ld. Counsel for plaintiff to Ld. Counsel for defendant no.1 on 06.11.2024.

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3. It has been further stated in the application that defendant no.1 filed Written Statement on 09.11.2024 and there is delay of about 98 days from the date of first service of summons but there is no delay in filing Written Statement from the date of service of complete legible copies of the plaint and documents.

4. In reply to the abovesaid application, plaintiff has strongly objected to the application and denied that the copies of plaint and documents were not legible or were missing and it has been further denied that site plan was supplied very late to the defendant no.1.

5. It is further stated in the Reply that plaintiff is a senior citizen aged about 70 years suffering from various ailments and defendant no.1 is harassing the plaintiff by intentionally delaying the case.

6. During oral arguments, Ld. Counsel for defendant no.1 argued that delay in filing Written Statement is neither intentional nor deliberate and it was caused because plaintiff had not supplied complete set of plaint and documents at appropriate time. On the other hand, Ld. Counsel for plaintiff argued that complete set of plaint and documents was supplied to defendant and defendant is intentionally delaying the case and heavy cost should be imposed upon defendant no.1 for causing delay in the case.

Brief Reasons for Decision and Decision thereof

7. As per file noting, defendant no.1 was served with summons by way of ordinary mode on 04.07.2024. He had filed application for supply of legible copies of documents which was disposed off vide order dated 11.11.2024. Written Statement alongwith affidavit of admission/denial had been filed by defendant no.1 vide diary no. 5119239/2024 dated 09.11.2024 but it was returned under objection and is lying under objection till date.



8. Keeping in view the fact that legible copies of documents and site plan was supplied to defendant no.1 by plaintiff after date of service, the application stands allowed and delay in filing Written Statement is condoned subject to cost of Rs. 5000/- to be paid by defendant no.1 to plaintiff on or before next date of hearing. Written Statement alongwith affidavit of admission/denial and documents if any is taken on record subject to removal of any other objection raised by the Registry. **I.A. stands disposed off.**

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Written Statement of defendant no.1 alongwith affidavit of admission/denial and documents has been taken on record today. Replication be filed by plaintiff within prescribed limitation period as per law with advance copy to the opposite party.

Be fixed for completion of pleadings and further hearing on 17.07.2025.

**TYAGITA SINGH, (DHJS),
JOINT REGISTRAR (JUDICIAL)**

APRIL 1, 2025/SM