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

+ **CM(M) 2597/2024**

SUMAN LATA VERMA & ANR.

..... Petitioners

Through: Mr. Kunal and Mr. Saurabh Dev
Karan Singh, Advs.

versus

RAJWATI & ORS.

..... Respondents

Through: Ms. Avni Singh, Adv. for R-9, R-10
& R-11.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **17.05.2024**

CM APPL. 29663/2024—Exp.

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

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3. The present petition under Article 227 of the Constitution of India has been filed to impugn the order dated 03.04.2024 passed by the learned ADJ-08, Central District, Tis Hazari Courts, Delhi (hereinafter referred to as 'Trial Court'), in CS DJ No. 253/23 titled as "Rajwati and Ors. vs. Anil and Ors." whereby the learned Trial Court has struck off the evidence of the petitioners herein and has declined to take the written statement on record. The petitioners herein are the defendants before the learned Trial Court.
4. Learned counsel for the petitioners submits that petitioners were



served with the summons of the suit in third week of December, 2023 and the first date of appearance before the learned Trial Court was on 07.02.2024. Learned counsel states that on the said date of hearing, the petitioners immediately brought to the notice of the learned Trial Court that five pages of the plaint were missing and the learned Trial Court gave directions to the respondents to furnish the pages on the same date, which were supplied.

5. The learned counsel for the petitioners further submits that however, some of the documents i.e. schedule to the plaint as well as annexures that are marked in the plaint were not furnished to him. It is submitted that accordingly the petitioners could not prepare the written statement and on 03.04.2024, learned Trial Court struck off the defence of the petitioners as the written statement was not filed within stipulated period.

6. Learned counsel submits that there were certain reasons, which were sufficient as to why the written statement could not be filed from 07.02.2024 till 03.04.2024. One being that still there was a deficiency in the documents provided that were to the petitioners and moreover, the father of the counsel for the petitioners was unwell and the same could not be filed within the stipulated period of 30 days.

7. Learned counsel further submits that these reasons were detailed in an application seeking condonation of delay, which was e-filed before learned Trial Court on 10.05.2024.

8. It is submitted that petitioners still wish to file the written statement but the learned Trial Court did not take into account reasons for which the written statement could not be brought on record by the petitioners.

9. Issue notice.



10. Ms. Avni Singh, learned counsel for Respondent nos. 9, 10 & 11 appears on advance notice and accepts notice.

11. On taking steps by the petitioners, service be effected upon the remaining respondents through all permissible modes including via approved courier service, returnable on 24.10.2024.

SHALINDER KAUR, J.

MAY 17, 2024/ss