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

+ **CS(COMM) 466/2020**

BLS INFRASTRUCTURE LTD.

..... Plaintiff

Through: None.

versus

RAJWANT SINGH & ORS.

..... Defendants

Through: None.

CORAM:

MS. VANDANA JAIN (DHJS) JOINT REGISTRAR(JUDICIAL)

ORDER

% 14.07.2022

IA No. 12479/2021 (U/O VIII Rule 1 CPC filed by D-3 seeking condonation of delay of 14 days in filing the written statement)
IA No. 16165/2021 (Under section 151 CPC filed by Plaintiff seeking dismissal of IA No. 12479/2021)

Vide this order, I shall dispose off an applications under Section VIII Rule 1 CPC moved by D-3 for condonation of delay of 14 days in filing of written statement and under Section 151 CPC filed by plaintiff for dismissal of IA No. 12479/2021.

I have heard the arguments of learned counsel for parties and have perused the record carefully.

While addressing the arguments, learned counsel for plaintiff has argued that defendant No.3 had been served much earlier before 18.01.2021. He has further argued that application for condonation of delay in filing the written statement was not supplied to him even



much after the same was filed in Court.

I have perused the record carefully. The date of service of defendant No.3 has not been mentioned by plaintiff in his application. Therefore, there is no reason to disbelieve the date of 18.01.2021 as a date of service. Even otherwise, the suit is in the year of 2020, meaning thereby suit has been filed during the pandemic.

In view of the order dated 10.01.2022 passed by Hon'ble Supreme Court in *Suo Motu Writ Petition (C) No. 3/2020*, the period from 15.03.2020 till 28.02.2022 has been excluded. By 28.02.2022, only the statutory period of 30 days to file the written statement had elapsed. 90 days further discretionary period was available with the defendant No.3 starting from 01.03.2021.

It is a matter of record that the application for condonation of delay in filing of written statement has been filed on 05.03.2021 alongwith written statement and therefore, it is within the statutory period. In view of extension of limitation granted by Hon'ble Supreme Court in *Suo Motu Writ Petition (C) No. 3/2020*, written statement is taken on record. Therefore, IA No. 12479/2021 stands allowed and resultantly IA No. 16165/2021 filed by plaintiff stands dismissed.

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Written statement of defendant No.3 is taken on record.

Replication be filed by plaintiff in accordance with law.

Documents, if e-filed be filed physically by parties so as to mark the exhibits.



After completion of pleadings, Joint Document Schedule in terms of Rule 7 A of Chapter VII of The Delhi High Court (Original Side) Rules, 2018 be filed physically by plaintiff after getting it signed from defendants.

Put up for marking of exhibits to the documents on 23.09.2022.

VANDANA JAIN (DHJS)
JOINT REGISTRAR(JUDICIAL)

JULY 14, 2022
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