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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 120/2017**  
**M/S. ABW - SUNCITY PROJECTS**

..... Plaintiff

Through Ms. Anubha, Adv.  
versus

**M/S. AHLCONS INDIA PVT LTD AND ANR**

..... Defendant

Through Mr. Neeraj Yadav, Adv. for D-2

**CORAM:**

**SH. SANJAY JINDAL (DHJS), JOINT REGISTRAR (JUDICIAL)**

**ORDER**

% **08.12.2017**

**IA No. 12433/2017 U/sec. 5 of Limitation Act r/w Order VIII R 1 r/w section 151 CPC. filed by defendant no. 1 for condonation of delay in filing of written statement.**

No reply filed by the plaintiff.

Arguments heard.

By way of present application, the defendant no. 1 has sought condonation of delay of 10 days in filing of written statement. It is contended that the copies initially received with summons were not legible nor in sequential semblance of page numbers and the applicant requested the plaintiff to supply a fresh copy vide letter dated 01.05.2017. Thereafter the defendant received the scanned copy of plaint on 03.05.2017 and the same was illegible and unreadable which was brought to the notice of plaintiff vide email. Further that it was only

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after lapse of 10 days from receipt of summons the plaintiff sent the hard copies of plaint and documents.

On the other hand, the application is opposed by learned counsel for plaintiff who argued that there are no just grounds for condonation of delay. Further that in case the delay is condoned, the same may be condoned subject to heavy cost.

I have carefully perused the record in light of submissions made before me.

The defendant has filed the copy of letter dated 01.05.2017 and email dated 03.05.2017 to support the contents of the application. In the given facts and circumstances, the application is found to be bonafide one and the same is accordingly allowed. The delay if any in filing of written statement is condoned subject to cost of Rs.10,000/- payable by defendant no. 1 to the plaintiff. Written statement is taken on record. Plaintiff may file replication within four weeks with advance copy to learned counsel for defendant no. 1.

IA stands disposed of.

**CS(COMM) 120/2017**

Let the parties of either side file their respective affidavits of admission/denial qua documents filed by each other with advance copies.

Put up for completion of pleadings and admission/denial on 06.03.2018.

**SH. SANJAY JINDAL (DHJS)  
JOINT REGISTRAR (JUDICIAL)**

**DECEMBER 08, 2017/pk**