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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1182/2022 & CM APPL. 47356/2022, CM APPL. 47357/2022

SANJEEV KATYAL AND ORS Petitioners
Through: Mr. J. S. Bakshi, Sr. Adv. with
Mr. Mohit Arora, Mr. A S Bakshi, Mr.
N.S.Bakshi and Mr. Pranav Advs.

versus

SOM DEV KHURANA DECEASED THROUGH LRS
..... Respondent
Through: None

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

% **ORDER**
04.11.2022

CM APPL. 47357/2022 in CM(M) 1182/2022

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM(M) 1182/2022 & CM APPL. 47356/2022 (stay)

3. The impugned order dated 23rd April 2022, passed by the learned Additional District Judge (the learned ADJ) in CS DJ 499/2017 strikes out the defence of the petitioner, as the defendant in the suit, on an application filed by the respondent-plaintiff under Order VIII Rule 10 of the CPC, on the ground that the written statement of the petitioner-defendant had not been filed within time and that the defendant had not approached the Court for extension of time or for condonation of delay.



4. In the process, the learned ADJ does not appear to have considered the explanation given by the petitioner in the reply to the application of the respondent under Order VIII Rule 10 of the CPC.
5. For the said reason, issue notice, returnable on 16th January 2023.
6. Notice be served on the respondents by all modes including *dasti* as well as through learned Counsel who appears on their behalf before the learned ADJ.
7. Reply, if any, be filed within four weeks, with advance copy to learned Counsel for the petitioner who may file rejoinder thereto, if any, within four weeks thereof.
8. Till the next date of hearing, further proceedings in CS DJ 499/2017 shall remain stayed.

C. HARI SHANKAR, J.

NOVEMBER 4, 2022
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