



\$~37

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

+ **CM(M) 1462/2022**

SUNITA BHAIKAVNATH DHALGADE Petitioner

Through: **Ms.Puja Dewan, Mr.Uday Seth and
Mr.Akhil Goyal, Advs.**

versus

RAM MANGAL HEART FOUNDATION PVT LTD..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **22.12.2022**

[The proceeding has been conducted through Hybrid mode]

CM No. 56076/2022 (exemption)

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

CM(M) 1462/2022 & CM No. 56075/2022 (stay)

3. Ms.Dewan, learned counsel appearing on behalf of the petitioner submits that *vide* the impugned order, the National Consumer Disputes Redressal Commission (hereinafter referred to as 'The Commission') has permitted the respondent to file an amended written statement along with the documents.
4. Learned counsel for the petitioner submits that the relief of permission to file amended written statement was not even sought by the respondent in its application which is Annexure P-9. Counsel submits that this was not permissible under law.



5. Moreover, learned counsel submits that additional documents in any case, could not have been permitted to be filed inasmuch as the same were available with the respondent even at the time when the original written statement was filed by the respondent.
6. Learned counsel submits that neither any explanation worth its name has been given by the respondent nor its absence has been considered by the Commission while passing the impugned order.
7. Issue notice. Notice be served through all permissible modes, additionally, through counsel appearing for the respondent before the Commission.
8. Let reply be filed within four weeks from today. Rejoinder thereto, if any, be filed within two weeks thereafter.
9. Commission is requested to defer the proceedings fixed on 28.02.2023 beyond the date fixed by this court.
10. List for consideration on 25.05.2023.

TUSHAR RAO GEDELA, J.

DECEMBER 22, 2022

neelam