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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 110/2017**
SOUTH DELHI MUNICIPAL CORPORATION Plaintiff
Through: Mr. Rakesh Mittal, Standing Counsel for
SDMC.

versus

DELHI GURGAON SUPER CONNECTIVITY LIMITED
&ORS. Defendants
Through: Mr. Ashish Dholakia, Adv for
D1-DGSCL.
Mr. Aditya Nayyar, Adv for D2.

CORAM:
SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER
% **25.10.2017**

IA No. 9827/2017 (u/O VIII Rule 1 r/w Section 151 CPC preferred by D-1 for seeking condonation of delay in filing the written statement)

Reply to the IA not filed by plaintiff.

Heard on IA.

Record perused.

Counsel for defendant No.1 prays for condoning the delay of 89 days in filing of the written statement by defendant. He submits that due to the reasons mentioned in para Nos.3 and 4 of the IA, the written statement could not be filed in time.

On the other hand, learned Standing Counsel for plaintiff opposes the application of defendant by submitting that the defendant has failed to disclose any cogent and sufficient reason for condonation of delay. He further submits that the counsel being not available for



30 days and documents being voluminous is no ground for condonation of delay.

I have considered the rival submissions of both the parties and gone through the entire material on record.

As per record, on receipt of summons, counsel for defendant no. 1 appeared in the court on 25.05.2017. He submitted to the court that he had not received the documents. Counsel for plaintiff undertook to supply complete set of documents to counsel for defendant no. 1 within two days from 25.05.2017.

Relevant documents are necessary for preparation of written statement. In para no.2 of the IA, it is mentioned that the defendant no. 1 had to sieve through a lot of documentary record and with great difficulty he could trace the relevant documents to make its written statement.

It is a well settled principle of law that a party should not be penalised on account of laxity, negligence or inadvertence on the part of his counsel. The delay occurred on account of non- filing of written statement by defendant can be compensated in terms of money.

For the aforesaid reasons, and in order to meet the ends of justice, the delay in filing of the written statement by defendant is directed to be condoned in the interest of justice subject to cost of Rs. 10,000/-.

IA stands disposed of accordingly.

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Replication to the written statement of defendants be filed by plaintiff within three weeks with advance copy to counsel for



defendants.

Parties are further directed to file their affidavit for admission/denial of documents within four weeks after exchanging copies thereof.

They are further directed to produce the original documents in the Court, if not filed earlier, on the next date of hearing at the time of admission/denial of documents.

Renotify the matter for completion of pleadings and admission/denial of documents 15.12.2017.

SH. RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)

OCTOBER 25, 2017
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