



\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 197/2016**
RAJBIR SINGH Plaintiff
Through Mr. Madhu Mukul Tripathi, Adv.
versus
TRILOK CHAND & ORS. Defendant
Through Mr. R. S. Kala, Adv.

CORAM:
SANJEEV AGGARWAL (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER

% **16.08.2017**

IA No.2796/2017 u/O VIII R 10 CPC moved by plaintiff

At request, two weeks time is granted to plaintiff to file rejoinder to the captioned IA without prejudice to the rights and contentions of the plaintiff.

Re-notify for completion of pleadings on this IA on the next date of hearing, subject to further directions of the Hon'ble Court on the date already fixed there.

IA No.2542/2017 u/O VIII R 1 r/w Section 151 CPC moved by defendants for taking on record the written statement

By way of the present application, defendants pray that their written statement be accepted and taken on record.

Besides taking various grounds in the application for not filing the written statement on time, it is stated during the course of arguments that certain documents were supplied to defendants only on 19.01.2017 and thereafter written statement has been filed on 25.02.2017. The same is vehemently disputed by learned counsel for plaintiff, who submits that earlier application of the defendants for

Contd....2



-2-

supply of documents was dismissed on 01.03.2017, and costs of Rs.5000/- were also imposed, which has not been paid till date, therefore this ground that written statement could not be filed for want of supply of documents is not correct. I have gone through the rival contentions, it is settled law that as far as all possible, all matters be decided on merits, rather on technicalities. Since substantial rights of the parties have to be decided in the present petition, therefore said delay in filing the written statement is condoned in the interest of justice, subject to payment of cost of Rs.3000/- by each of the defendants to the plaintiff. Written statement of the defendants is taken on record. IA stands disposed of.

CS (OS) 197/2016

Replication may be filed by plaintiff within two weeks.

Let parties of both sides to file their respective affidavits qua admission/denial of documents of each other within four weeks, with copies thereof exchanged.

Re-notify the matter for admission/denial of documents on 09.10.2017, subject to further directions by the Hon'ble Court on date already fixed there i.e. on 06.09.2017.

**SANJEEV AGGARWAL (DHJS)
JOINT REGISTRAR (JUDICIAL)**

AUGUST 16, 2017/ab