



\$~8

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CS(OS) 122/2021

DR. SHIVPRIYA MANIVANNAN

..... Plaintiff

Through Mr. Saurabh Gupta & Mr. Puneet
Yadav, Advs.(M. No.9899226008)

Versus

NATIONAL BOARD OF EXAMINATIONS & ANR Defendant

Through Mr. Waize Ali Noor & Mr. Kirtiman
Singh, Advs. for D-1 (Mob.
8527837602)

CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

%

29.03.2022

**IA No.2294/2022 moved by defendant no.1 for condonation of
delay in filing of written statement**

Learned counsel for plaintiff has directly argued the captioned
IA. Submissions heard. Record perused.

Through the captioned IA, about 32 days delay in filing of
written statement by the defendants is sought to be condoned on the
ground that wife of concerned officer was suffering from Cancer of
gallbladder during the relevant time due to which the concerned
officer was not attending the office. It is further stated that wife of
concerned officer has since unfortunately expired shortly thereafter
and that concerned officer had ultimately joined the office on
29.11.2021. It is also stated that time was taken in locating the

Contd.....2



-2-

relevant records and for giving instructions for preparation of written statement.

It is undisputed that in the captioned matter, written statement though filed late, has been filed within time as extended in ***Suo Moto Writ Petition (Civil) No.3/2020*** by the Hon'ble Apex Court.

To my mind, a cogent reason for delay occasioned has been shown in the captioned IA and furthermore, no prejudice would be caused to the plaintiff, in case the captioned IA is allowed.

Accordingly, the captioned IA stands allowed to the extent that delay, if any, in filing of written statement by defendant no.1 is condoned and written statement already filed by defendant no.1 is taken on record. IA stands disposed of.

CS(OS) 122/2021

Written statement and admission/denial affidavit of defendant no.1 are taken on record vide order of even date. At request, replication alongwith admission/denial affidavit to the same be filed by plaintiff within four weeks from today with copy to opposite side.

The matter is listed for clarification from the plaintiff in respect of service of defendant no.2. Learned counsel for plaintiff submits that affidavit of service was filed in respect of service of defendant no.2. However, the same does not contain any assertions as required by Delhi High Court Rules in respect of service of defendant no.2 through email. Learned counsel for plaintiff submits that he will inspect the file and will file fresh affidavit of service qua defendant

Contd.....3



-3-

no.2, if required, before next date. Needless to say, plaintiff is at liberty to proceed as per law.

Re-notify the matter for clarification regarding status of service of defendant no.2 as well as for completion of pleadings qua defendant no.1 on 18.04.2022.

SHARAD GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)

MARCH 29, 2022/ab

Click here to check corrigendum, if any